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MISCELLANY

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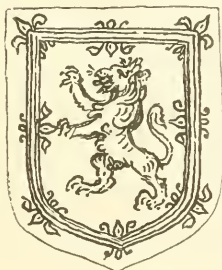
ORIGINAL PAPERS AND OTHER DOCUMENTS

ILLUSTRATIVE OF THE

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OF SCOTLAND.

VOL. II.



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ACTS OF THE PARLIAMENT AND OF THE PRIVY
COUNCIL OF SCOTLAND RELATIVE TO THE
ESTABLISHING AND MAINTAINING OF SCHOOLS
FROM THE YEAR MCCCCXCVI TO THE YEAR
MDCXCVI.

THE following Documents have been thrown together for the purpose of exhibiting some of the earlier measures of the Scottish Government for establishing and promoting a National System of Education. The subject is one of great interest, and well deserving a more minute and extended illustration than is afforded by the Public Records of the country; but it is hoped that even the few that have been here selected, will be deemed of importance, and may prove useful to those who are disposed to investigate with care this department of the History of Scottish civilization. Among the uses to be derived from the publication of our Episcopal and Monastic Chartularies, and of the muniments of our ancient towns and burghs, it will be found that they throw numerous, although scattered and often feeble, lights on the actual state of Letters prior to the era of our Ecclesiastical Reformation. For subsequent periods, the materials will be found much more abundant.

ESTABLISHING
OF
SCHOOLS IN SCOTLAND.

IN PARLIAMENTO APUD EDINBURGH 13 JUN. 1496.

*That all Baronis and frehaldaris of substance put their eldest sonis and airis to the Sculis.**

ITEM It is Statute and Ordanit throw all the realme that all Barronis and frehaldaris that ar of subfstance put thair eldest

* The following privilege by the King to Walter Chepman and Andro Millar, the first Scottish Printers, is a document of some importance in the literary History of Scotland:—" James &c. To al and sindrj our
' officiaris liegis and subdittis quham it efferis to quhais knowlage thir
' our lettres salcum greting Wit ye that forsamekill as our lovittis
' servitouris Walter Chepman and Andro Millar burgessis of our burgh
' of Edinburgh has at our instance and request for our plesour the
' honour and proffit of our Realme and liegis takin on thame to furnis
' and bring hame ane prent with all stuff belangand tharto and expert
' men to use the samyne for imprenting within our Realme of the bukis

founis and airis to the Sculis fra thai be aucht or nyne geiris of age and till remane at the grammer Sculis quhill thai be competentlie foundit and have perfite latyne And thairefter to remane thre yeris at the Sculis of Art and Jure fua that thai may have knowlege and understanding of the lawis Throw the

‘ of our Lawis actis of parliament croniclis mess bukis and portuus
 ‘ efter the use of our Realme with addicions and legendis of Scottis
 ‘ sanctis now gaderit to be ekit tharto and al utheris bukis that salbe
 ‘ sene necessar and to sel the sammyn for competent pricis be our
 ‘ avis and discrecioun thair labouris and expens being considerit
 ‘ And becaus we wnderstand that this cannot be perfurnist without
 ‘ rycht greit cost labour and expens we have grantit and promittit to
 ‘ thame that thai sall nocht be hurt nor prevent tharon be ony utheris
 ‘ to tak^e copyis of ony bukis furth of our Realme to gar imprent the
 ‘ samyne in utheris cuntreis to be brocht and sauld agane within our
 ‘ Realme to cause the said Walter and Androu tyne thair gret labour
 ‘ and expens And alis It is divisit and thocht expedient be us and our
 ‘ consall that in tyme cuming mess bukis manualis matyne bukis
 ‘ and portuus bukis efter our awin scottis use and with legendis of
 ‘ Scottis sanctis as is now gaderit and ekit be ane Reverend fader in
 ‘ god and our traist consalour Williame Bischope of abirdene and
 ‘ utheris be usit generally within al our Realme allsone as the sammyn
 ‘ may be imprentit and providit and that na maner of sic bukis of
 ‘ Salusbery use be brocht to be sauld within our Realme in tym cuming
 ‘ and gif ony dois in the contrar that thai sal tyne the sammyne
 ‘ Quharfor we charge straitlie and commandis yow al and sindrj our
 ‘ officiaris liegis and subdittis that nane of yow tak apon hand to do
 ‘ ony thing incontrar this our promitt devise and ordinance in tyme
 ‘ cuming under the pane of escheting of the bukis and punising of thair
 ‘ persons bringaris tharof within our Realme in contrar this our statut

quhilkis Justice may reigne universalie throw all the realme Sua that thai that ar Shereffis or Jugeis Ordinaris under the Kingis hienes may have knowlege to do Justice that the pure pepill fuld have na neid to feik our Soverane Lordis principale auditouris for ilk small Injure And quhat Baroun or frehaldar of subfiance that haldis nocht his sone at the sculis as said is haifand na lauchfull effōnge bot failzeis heirin fra knowlege may be gottin thairof he fall pay to the King the foume of xx li.—[Acts of the Parliaments of Scotland II, 238.]

‘ with al rigour as efferis. Given under our prive Sel at Edinburgh ‘ the xv day of September and of our Regne the xx^d yer.’—[*Registrum Secreti Sigilli* III, 129.]—The only publications known to have issued from the press of Millar and Chepman are a collection of pamphlets, chiefly metrical Romances and Ballads, in 1508, of which an imperfect copy is preserved in the Advocates Library, and the Scottish Service Book, including the Legends of the Scottish Saints, commonly called the Breviary of Aberdeen, in 1509, of which the copies are excessively rare.

Appointment under the Privy Seal of Henry Henrysoun Master of the Grammar School of Edinburgh. 21st March 1529.

Preceptum confirmationis Magistri Henrici Henrisoun super litera sibi facta per reverendum in christo patrem Georgium Dunkeldensem Episcopum abbatem Monasterii Sancte Crucis prope Edinburgh pro tempore cum consensu Conventus ejusdem sub eorum communi sigillo super officio Magistri eruditionis instructionis et principalis gubernationis Scole generalis Burgi de Edinburgh durante vita sua, &c. Apud Edinburgh xxj Martii Anno MDXXIX.—per Signetum. [*Registrum Secreti Sigilli* VIII, 170.]

IN PARLIAMENTO APUD EDINBURGH 17 JUL. 1525.

*Act anent the dannable opunyeouns of heresy.**

ITEM It is statut and ordanit That forfamekle as the dampnable opunzeouns of herefy ar spred in divers cuntreis be the heretick Luther and his discipillis And this realm and liegis hes fermelie persistit in the halifaith sen the famin was first reffavit be thaim and never as 3it admittit ony opunzeouns contrair the criffin faith bot ever has bene clene of all sic filth and vice Therefore that na maner of perfoun strangear that hapnis to arrife with ther schippis within ony part of this realm bring with thaim ony bukis or werkis of the said Lutheris his discipillis or servandis desputt or rehers his herefisy or opunzeouns bot geif it be to the confusioun therof and that be clerkis in the sculis alanerlie vnder the pane of escheting of ther schippis and gudis and putting of ther perfouns in presoun And that this act be publikt and proclamit out throw this realme at all portis and burrowis of the famin Sa that thai may allege na Ignorance therof [And all vther the kingis liegis assistaris to sick opunzeouns be punist in femeible wife And the effect of the said act to strik apon thaim &c.] *Additio per Cancellarium et Dominos Concilii, 4 Sept. 1527. [Act. Parl. II. 295.]*

* This Act is renewed by Parliament 12 Jun. 1535, with the addition—"And that nane of thame have use kepe or consele ony bukis of the saidis heretekis or contenant thar doctrine and opinionis bot that thai deliver the samin to thare ordinaris within xl days under the panis forsaidis."

IN PARLIAMENTO APUD EDINBURGH 15 MAR. 1542.

*Anent haifing the haly write baith the new Testament and the auld in the vulgar toung.**

Anent the writting gevin in be Robert Lord Maxwell In prefens of my Lord Governour and Lordis of Artikles to be avifit be thaim gif the famin be reasonabe or nocht of the quhilk the tennour followis It is statute and ordanit that it falbe lefull to all our Soverane Ladyis lieges to haif the haly write baith the new Testament and the auld in the vulgar toung in Inglis or Scottis of ane gude and trew tranflatioun and that thai fall Incur na crymes for the hefing or reding of the famin Providing alwayis that na man defpute or hald oppungeonis under the panis contenit in the aētis of Parliament The Lordis of Artiklis beand avifit with the faid writting findis the famin refonable and therfor thingis that the famin may be ufīt amangis all the lieges of this realme in our vulgar toung of ane gude trew and juft tranflatioun becaus ther was na law fchewin nor productit in the contrar And that nane of our faid Soverane Ladyis liegis incur ony crimes for haifing or reding of the famyn in forme as faid is nor falbe accufit therfor in tyme tocum And that na perfonis defpute argoun or hald oppuniounis of the famin under the faidis panis contenit in the foirfaidis aētis of Parliament.

The quhilk day Ane maift Reverend fader in God Gawyne

* The following notice occurs in the Account of the Lord High Treasurer of Scotland.—“ 1543.—Item the xxvij day of Marche gevin to Johne Rob Messinger passand to Dumfermling and Perth to proclame twa Letteris tueching the having of the Scripture in Inglis xxij s.”

Archbifchope of Glafgw chanceler for himfelf and in name and behalf of all the prelatif of this realme beand prefent in Parliament fchew that ther was ane aēt instantlie red in faice of Parliament that the haly write may be ufif in our vulgar tounge and that na cryme fould follow therupoune throw the ufing therof And allegit in the faid aēt that the thre eftates concludit the famin Quhilk he for himfelf and the remanent of the prelatif being prefent as ane of the thre eftatis of the faid Parliament Difaffentit therto fimpliciter bot opponit thaim fhereto unto the tyme that ane provinciale confale mycht be had of all the Clarge of this realme to avife and conclude therupoun gif the famin be neceffar to be had in vulgar tounge to be ufif among the Quenis lieges or nocht and thereftir to fchaw theruter determinatioun quhat falbe done in that behalf and therupoun afkit Inffrumentis. [*Act. Parl. II. 415.*]

IN PARLIAMENTO APUD EDINBURGH 4 JUN. 1563.

Anent ane Comiffioun to vifit the Colledgeis of Sanctandros and utheris within this realme and to report to the next Parliament.

Item Forfamekill as it was menit to the Quenis grace and Lords of Articlif in name of all that within this realme ar delymous that leirning and letters floreis that they wald tak tent to the waifing of the patrimonie of fum of the fundatiounis maid in the Colledgeis of the Citie of Sanctandros and utheris placis within this Realme for the interteniment of the youth and that few fcienceis and fpeciallie thay that ar maift neceffare that is to fay the toungeis and humanitie ar in ane part not

teicheit within the said Citie to the great detriment of the haill liegis of, this realme thair childrene and posteritie Desyring thairfoir the Quenis Majestie and Lordis foirfaids to avise and rypelie confidder that the rentis and fundatiounis of the saidis Collegeis mycht be employit to sic men of knowlege and understanding quha hes the toungis and humanitie for instructioun of the youth and uther science according to the instructioun of the saidis Collegeis and for weilfair of the haill liegis of this realme and thair posteritie Thairfoir the Quenis Grace and Estatis foirfaidis hes gevin and grantit lyke as thay be the tenour heirof gevis and grantis full commissioun and powar to James Erle of Murray Lord Abirnethy &c. ane reverend father in God Henrie Bisshop of Ros President of the College of Justice and Sessioun Williame Maitland of Letthingtoun zoungar Secretar to our Soverane Lady Maister James Makgill of Rankelour nether Clerk of Register Schir Johne Bellenden of Auchinnoull Knycht Justice Clerk Maister Johne Spens of Condie Advocat to our Soverane Lady Maister George Buchquhamane Maister Johne Winrame Priour of Portmoak and Johne Erskine of Dun to cognolce visie and confidder the patrimonie and rentis of the saidis Collegeis quhat the famin extendis to zeirlic and superplus thairof how and in quhat maner and be quhat rentis and zeirlic proffeyttis thair may men of cunning and understanding be had within the said Citie and utheris placis quhair Collegeis ar for instructioun of the youth in foirfaidis sciencis of the toung and humanitie to the weilfair of the haill liegis of this Realme and thair posteritie And to declair thair opinioun and avise quhat ordoure falbe usit in the saidis Collegeis toward the

instruētoun of the ȝouth and uthers and as thay find thair-
intill to reporte the famin to our Soverane Lady and thre
Estatis in the nixt Parliament togidder with thair awin Juge-
mentis and opinioun how and in quhat maner the famin may
be esylie done and ufit.—[*Act. Parl.* II. 544.]

ARTICLES PROPONIT TO THE PARLIAMENT.

APUD EDINBURGH 3 DEC. 1567.

*Anent the instruction of the youth sustentatioun of the pure
and relief to the laboraris of the ground.*

That provisioun may be maid for instruētoun of the ȝouth
for sustentatioun of the pure and for sum releif to the lauboraris
of the ground especialie for the relief in leiding of thair
teindis. *Ansueris to the first part of this article That the
landis of Prebendaris of College kirks in Landwart be erectit
for sustentatioun of Bursaris And referris the uther tua heidis
to the Estatis in Parliament.*

Anent reformation of Scoles and Collegis.

Item that all Scoles alsweill to burgh as land and colleges be
reformit and that nane be permittit nor admittit to have charge
therof or to instruēt the youth privatlie or publictly bot lik
as ar or falbe tryit be the Superintendentis and visitatouris of
the kirk and admittit be thame to thair charges. *Appreuit.*—
[*Act. Parl.* III. 37, 38.]

IN PARLIAMENTO APUD EDINBURGH 20 DEC. 1567.

Anent thame that salbe teicheris of the youth in Sculis.

Item Forfamekle as be all lawis and constitutiounis it is provydit That the youth be brocht up and infructit in the feir of God and gude maneris and gif it be utherwyfe it is tinfell baith of thair bodyis and faulis gif Goddis worde be not rutit in thame Quhairfoir our Soverane Lord with avise of my Lord Regent and thre estatis of this present Parliament hes flatute and ordanit thát all Sculis to Burgh and land and all Univerfiteis and Collegis be reformit And that nane be permyttit nor admittit to have charge and cure thairof in tyme cuming nor to instruct the youth privatlie or oppinlie bot sic as falbe tryjt be the Superintendentis or visitouris of the Kirk.

Anent the disposition of Provestries prebendaries and Chaplanereis to Bursaris to be fundit in Collegeis.

Item Forfamekle as the youth is not onlie fene to preserve the commoun weill bot als wa of thame man ryfe sic as efter this man ferve in the kirk of God within this realme and to the commoun weill of the famin And because the poverté of mony is in sic fort that they may not hauld their children at letteris quhairby the maist pairt of the youth of this Realme wantis the giftis and gracies of leirning requisite to that charge And for remeid hei of Our Soverane Lord with avise and consent of my Lord Regent and thre Estatis of this present Parliament

hes statute and ordanit that all patrounis havand proveftris or prebendareis of Collegis Alterageis or Cheplanereis at thair giftis and difpositioun may in all tymes cuming at thair plefour present the famin to ane burfar quhome thay pleis to name to studie vertew and letteris within ane College of ony of the Univerfiteis of this Realme thair to remaine for sic space as the patroun foirfaid pleis to hauld him at vertew and leirning within the foirfaid College and as falbe aggreit upon be the patrounis of the faidis proveftris or prebendareis with the Principall and Ministeris of the College of the Univerfitie And efter the patroun remuife that burfar furth of the faid College to present ane uther And swa furth fra ane to ane uther to the effect foirfaid at the patrounis plefour notwithstanding ony fundatioun or confirmatioun past be quhatfumever autoritie in ony tymes bygaine Anent the quhilk Our Soverane Lord my Lord Regent and thrie Estats of this present Parliament dispensis swa that the faidis Patrounis may dispone thair proveftris and prebendareis to sic burfaris as they fall think expedient als oft as neid beis Quhilk falbe na hurt nor prejudice to thair patronage notwithstanding thair fundatiounis and confirmatiounis quhatfumever or ony provisioun contenit thairintill And thairfor our Soverane Lord my Lord Regent and thre Estatis foirfaidis hartly requieftis all patrounis of Collegis prebendareis and proveftris to graunt and dispone thair proveftris and prebendareis to the burfaris forfaidis in maner above spycifit Swa that letteris may be autorifit and the gouth sufficientlie brocht up in vertew and leirning to the glorie of God and confort of the commoun weill of this Realme. [*Act. Parl.* III. 24, 25.]

JAMES By the Grace of God King of Scotland & our Liege

as our right trust Confing James Earl of Morrovy Lord of Galloway & other our speciall confidant being assembled
 our Counsaill prescriber content, understanding be the Supplication of the Bishopps, Superintendents and Commissioners of the Swedisch
 our Health, how necessitie it fall tend to the advancement of the true Religion and Instruction of the people professing the same within our Realme,
 And that there is good Swedevia and printing here already, wishing our Realme prosper and sufficient for vending and transporting of the said Bible,
 And that it the Swedevia and books of the said Bible great summe, and our will be performed without any charge, aswell to Burch as
 Lands, and our charge the somme of five hundred Rixdallers, and sufficient summe to print our hymnes, psalms
 psalmes, and for the collection of the same. Therefore our said Religion, Nobilitie, & Estates, and
 Consaill allowing of the said overture, & willing to extend our Auctoritie to the freshenment thereof, bea admit that the said somme shall collect of every
 parson of the Bishopps, Superintendents, and Commissioners, as he parson as that shall appoyn to the collection thereof, and the same
 and sufficient to the said Auctoritie to be direct to that effect. Ours will be that the said somme shall appoyn to the said
 the our Auctoritie five hundred Rixdallers, and our Auctoritie command and charge the principall and best of every parson, aswell to Burch
 as Lands, to contribute & collect the said somme of five hundred Rixdallers, & deliver the same to the Bishop, Superintendents, or Commissioners
 of the said five hundred Rixdallers, as well as the said somme of five hundred Rixdallers, as well as the said somme of five hundred Rixdallers,
 same parson be charged with diligence and sufficient to the said Auctoritie being and the said somme of five hundred Rixdallers, as well as the said
 sufficient, and that parson to our health, and of that the said five hundred Rixdallers, as well as the said somme of five hundred Rixdallers,
 will be that parson, & for that to do our consent, and therefore our will be that parson, as well as the said somme of five hundred Rixdallers,
 will be that parson, as well as the said somme of five hundred Rixdallers, as well as the said somme of five hundred Rixdallers, as well as the said
 will be that parson, as well as the said somme of five hundred Rixdallers, as well as the said somme of five hundred Rixdallers, as well as the said

per. Actum secreti Consiij.

AT HALYRUDHOUS 8 MARCH 1575.

Charge by the Privy Council of Scotland to contribute and collect fyve pundis in every parochin for the purchase of a Bible.

IAMES Be the Grace of God King of Scottis To our Louittis

Messingeris oure Schireffis In that parte coniunctlie and feueralie constitute Greting Forfamekle as oure richt traift Coufing James Erll of Mortoune Lorde of Dalkeith Regent to ws oure Realme and Leigis Nobilitie Estaittis and Lordis of oure previe Counsale presentlie convenit Vnderstanding be the Supplicatioun of the Bischoppis Superintendentis and Commiffionaris of the diocyes within our Realme How greatlie it fall tend to the aduancement of the trew Religioun and Instruētcioun of the people professing the same within oure Realme That In euerilk parochie kirke thair be a Byble remaning In sic forme as falbe thocht expedient be the kirke and allowit and fett furth be our Auētoritie And that thair is gude characteris and printing Irnis already within oure Realme proper and sufficient for wirking and Imprinting of the faide Bible And that zit the charge and hafard of the wark wilbe great and sumptuous and may not well be performit without euery parochin afweill to Burgh as Landwart aduance aforehande the fowme of fyue pundis viz for the price of the faide Bible weill and sufficientlie bunde In paist or tymmer foure pundis xiiij s̄ iiij penneis and for the Collectioun the vther fax shillingis and aucht penneis Thairfore our faide Regent Nobilitie Estaittis and Counsale allowing of the faide overture and willing to extende

our Auētoritie to the furtherance thereof hes ordanit that the said fowme falbe colleētit of euery parochin be the Bifchoppis Superintendentis and Commiffioneris or fic perfonis as thay fall appoint to the colleētoun thairof, and the fame Imbrocht and deliuerit to Alexander Arbuthnet Burges of Edinburgh the furniffar off the said warke betuix and the first day of July nixt to cum And hes commandit thir oure Letteris to be direct to that effect OVRE Will Is heirfore and We charge zow fraitlie and commandis that Incontinent thir oure Letteris fene ze pas And in oure name and Auētoritie commande and charge the principallis and Heidifimen of euery parochin allweill to Burgh as Landwart to contribute and colleēt the faide fowme of fyue pundis within the parochin and deliuer the fame to the Bifhop Superintendent or Commiffioner of the diocy or fic as falbe appointit be him to reffaue the fame within Ten dayes nixt efter they be chargeit be zow thairto To the effect the fame may be Imbrocht with diligence and deliuerit to the faide Alexander Arbuthnet betuix and the faide first day of July vnder the pane off Rebellioun and putting of thame to oure horne And gif thay failze therein the faide Ten dayes being by-past That ze Incontinent thairefter denunce yame Rebellis and putt yame to oure horne And efcheit and Imbring al thair mowable gudis to our vse for thair contemptioun as ze will anſwer til ws thair vpone The quhilk to do we committ to zow coniunctly and feualie our full power Be thir our Letteris delyuering thame be zow dewly execute and Indorfat agane to the berar Gevin vnder our Signet At Halyrudehous the aucht day of Marche and of our reigne the aucht zeir 1575.

Per Actum Secretj Consilij

IN PARLIAMENTO APUD STRIVILING 25 JUL. 1578.

Anent the Visitation of the Universiteis and Collegis.

Forfamekill as the Univerfiteis of this realme ar appointit for the educatioun of the youthheid quhilk fuld be feid of gude learning and maneris within this realme And that the samyn being richtlie foundit alsweill in rentis as provisiounis of Maisteris and burferris And that notwithstanding thay ar misfut be particular perfonis to thair awin avantage without respect of the educatioun of the youth in wertew and gude letteris Regarding na thing the commoun welth of this realme For remeid of the quhilk Our Soverane Lord with avise and consent of the thrie estaittis of Parliament Gevis grantis and committis full power and commissioun to the richt honorabillis reverend perfonis efter following to pas to the Collegis and Univerfiteis efter specefeit And ther vefy and confidder the fundatiouns and erectionis of the Univerfiteis and Collegis within this realme with full power to thame to reform sic thingis as foundis to superstitioun ydolatrie and papistrie and to displace sic as ar unqualefit and unmeit to discharge ther office in the saidis Univerfiteis and to plant sic qualefit and worthie perfonis therintill as thai fall find gude and sufficient for the educatioun of the youth and conform to the commoun weill of this Realme That is to say for the Univerfiteis of Sanctandris the Archebifhop thair of The Archebifhop of Glasgou The Bifhop of Aberdene Robert erll of Levenox Robert erll of Buchane Maister Andro Melvile and Maister Peter Young For the Univerfitie of Aberdene the said Archbifhop of Sanctandris the

Bifchop of Aberdene the faid Robert erll of Buchane The Commendatar of Deir Maifter Robert Maitland dene of Aberdene and Mr George Hay perfon of Rauthwen For the Univerfitie of Glaſgow the Archbiſhop thairof the faid Robert erll of Levenox Robert Lord Boyd Maifter Andro Hay Maifter Thomas Smetoun and Maifter Andro Polwart Qubilkis perfonis particularlie abonewrittin appointit as faid is Sall convene and begyn at Sanctandrois the firſt day of November nixt tocum at Aberdene the xv day of the famyn moneth and at Glaſgow the xxiiij day of the famyn moneth of November nixt tocum And thai being convenit at the particular places reſpective abone expremit Sall putt this preſent aēt and ordinance to dew executioun in all pointis Efter the forme and tennour thairof as they will anfuer to our Soverane Lord thairupoun And to report ther proceedingis reſpective to the Kingis grace and Counfall the firſt day of Januar nixt tocum And to that effeēt that thai may tak farther ordour therin-till gif neid beis. [*Act. Parl. III. 98.*]

IN PARLIAMENTO APUD EDINBURGH 10 NOV. 1579.

*That Houſehaldaris have bybillis and psalme buikis.**

Item It is Statut and ordanit be our Soverane Lord and his thrie eſtatis in this preſent Parliament That all gentilmen

* In reference to the above act of Parliament, the following license appears in the Register of the Privy Seal.—At Montrose 16 June 1580.

ANE LETTER made with ariſe and conſent of the Lordes of our Sover-

houhaldaris and utheris worth thrie hundreth merkis of ȝeirlie rent or abone and all substancialious ȝemen or burgesfis likewise houhaldaris estemit worth fyve hundreth pundis in landis or guidis be haldin to have a bible and psalme buke in vulgare language in thair houffis for the better instructioun of thamefelffis and thair fameliis in the knowlege of God within ȝeir and day efter the dait heirof Ilk persone undir the pane of ten pundis And that the Provest and baillies of ilk burgh and sic persone in every parochyne to landwart as salhave the Kingis commissioun searche inquire and try quha failȝeis heirin And they being convicēt thairof to uptak the said pane of every one that failȝeis the thrid part to thame selffis for their panes and the tua part to the help and releif of the purr of the parochyne. —[*Act. Parl.* III. 139.]

IN PARLIAMENTO APUD EDINBURGH NOV. 11. 1579.

For Instructioun of the Youth in Musik.

For Instructioun of the ȝouth in the art of musik and fingering quhilk is almaiſt decayit and fall schortly decay without tymous remeid be providit Oure Soverane Lord with avise of his thrie estaitis of this present parliament Requeiftis the pro-

ane Lordes Secret Counsell To Jhone Williamson burges of Edinburgh To vesie seik and serche all and sundrie housses and duelling places alsweill burgh as land regalitie as royaltie within his hienes realme and dominious &c. and to requyre the sicht of thir Bybill and Psalme buik gif thai ony haue to be merket with thair awin name of the said John or his deputtis handwryte for eschewing of fraudfull and deceavabill dealing in that behalf, &c. &c.—[*Registrum Secreti Sigilli* xlvi, 129.]

vest baillies counsaile and communitie of the maist special burrowis of this realme And of the patronis and proveftis of the Collegis quhair fang sculis ar foundat To erect and sett up ane fang scuill with ane maister sufficient and able for instructioun of the growth in the said science of musik As they will anfuer to his hienes upoun the perrell of their fundationis and in performing of his hienes requiest do unto his Majestie acceptable and gude plesure. [*Act. Parl.* III, 174.]

IN PARLIAMENTO APUD EDINBURGH 11. AUG. 1607.

Commissioun anent Grammer and teacheris thairof.

Oure Soverane Lord and estaittis of this present Parliament understanding the latine towng to be greatlie diminischit within this realme to the heavie prejudice of the commoun weall of the famyn And the speciall cause thairof to be the want of the uniforme teacheing of all the pairtis of grammer establischt be ane Law in all the pairtis of this realme wherethrow be the curiositie of diverse maisteris of scholis baith to burgh and land taking upoun them eftir thair fantesie to teache suche grammer as pleasit them The growth quha be occasioun of the pest and utherwayes being oft and diverse tymes changeit to diverse scholis and maisteris be alteratioun of the forme of teacheing ar haillely prejudgeit For remede quhairof it is thocht expedient be our Soverane Lord and Estaittis of this present Parliament That thairshall be ane fatlit forme of the best and maist commoun and approvyn grammer and all pairtis thairof collectit establischt and prentit to be univiersallie teacheit in all the pairtis of this realme be the hail maisteris and teacheres of grammer

in all tyme cuning Thairfoir oure faid Soverane Lord and Estaittis of Parliament presentlie convenit hes gevin and grantit and be thir presentis gevis and grantis full power and commissioun to Alexander erle of Dunfermeling Chancellor of this realme James Lord of Balmirrenoch Secretar to his Majestie Sir Thomas Hammyltoun of Bynnie knycht his hienes Advocat Mr John Prestoun of Pennycuk Collectour generall Sir John Skene of Curryhill knycht Clerk of Register Mr Thomas Craig and Mr Williame Oliphant Advocattis Mr Williame Scott of Elie Mr Patrick Sandis and Mr Johne Roy scholemaister of Edinburgh or ony fyve of thame conjunctlie To trye cognosce conclude and fett down sic forme and ordour as they fall think maist meitt and expedient To be oblervit heireftir be all maisteris of grammer within this realme And our faid Soverane Lord and estaittis forfaidis declairis that the procedingis of the faidis Commissionaris in the faid mater shall be als effectuell as gif the samyn wer speciallie set down be act of this present Parliament And that publicatioun be maid thair of at all places neidfull with command thairin to all maisteris of scholis to obey the samyn under the pane of deprivation of thame from teacheing and payment of twentie pundis to the pure of the parochin quhair they duell. [*Act. Parl.* IV, 374.]

LETTER FROM KING JAMES THE SIXTH TO THE PRIVY
COUNCIL OF SCOTLAND NOV. 2. 1616.

JAMES R.

Righte trustie and righte welbeloued cofen and counfel-

four And righte trustie and welbeloued counfellouris Wee greett yow well Whereas it is necessarie for the better establisshing of true religion that childrein be catechifed and educated in the knowledge of the groundes thereof frome their tender yeares And whereas manie parentes are so negligent and careles in that point as their childrene being eyther altogether ignorant or careleslie instructed are when they come to age easily peruerted and drawen to Poperie It is therefor our pleafour that yee cause make and publishe an acte commaunding all parentes to use the ordinarie meanes of instructing their young childrene to present thame to their ordinarie pastour at all usuall times of catechifing and examination and to bring thame to the bishoppe of the diocese at euerie visitatioun to be tried and confirmed by him with certification that such parentes as shall neglecte these meanes shall pay according to their qualitie a pecuniall summe withoute anie remission And this recommending to your special care Wee bid yow farewell At our pallace of Whitehalle the secunde day of Nouember 1616. [*Original preserved in the General Register House.*]

ACT OF THE PRIVY COUNCIL OF SCOTLAND APPOINTING A
SCOOLE TO BE IN EUERY PARROCHE DEC. 10. 1616.

Forfameikle as the Kingis Majestie haueing a special care and regard that the trew religion be advanceit and establisheit in all the places of this kingdome and that all his Majesties subjectis especially the youth be exercisid and trayned up in

civilitie godlines knowledge and leirning That the vulgar Inglish toung be univerfallie plantit and the Irifche language which is one of the cheif and principall caufis of the continewance of barbaritie and incivilitie amangis the inhabitantis of the Ilis and heylandis may be abolisheit and removit And quhairas thair is no meane more powerfull to further this his Majesteis princelie regaird and purposis than the establisling of Scooles in the particular parrocheis of this kingdome whair the youth may be taught at least to wreit and reid and be catechisid and instructed in the groundis of religioun Thairfoir the Kingis Majestie with aduife of the Lordis of his secreit Counfall hes thocht it necessar and expedient that in euerie parroche of this kingdome whair convenient meanes may be had for interteyning a scoole That a scoole falbe establisht and a fitt perfone appointit to teach the same upoun the expensis of the parrochinaris according to the quantitie and qualitie of the parroche at the sight and be the aduife of the Bishop of the diocie in his visitatioun Commanding heirby all the Bishoppis within this kingdome That they and everie ane of thame within thair feveral diocesis deale and travell with the parrochinaris of the particular parrocheis within thair saidis diocesis to condescend and agree upone some certane solide and sure course how and by quhat meanes the said Scoole may be enterteined And gif ony difficulteis arryse amongis thame concerning this mater That the said Bishop reporte the same to the saidis Lordis to the effect they may take suche ordour heiranent as they shall think expedient And that letteris be direct to mak publicatioun heirof quhairthrow nane pretend ignorance of the same.

ACT OF THE PRIVY COUNCIL OF SCOTLAND ANENT THE
CATECHESINE OF CHILDRENE DEC. 10. 1616.

Forfameikle as the Kingis Majestie with the aduise of the Lordis of his Secreit Counfaile hes found it verie necessar and expedient for the better establischeing of the trew religioun that childrene be catechesed and educate in the knowledge of the groundis therof from their tender yeiris And seeing mony parentis ar fo careles and negligent in that point as thair childrene being aither altogidder ignorant or cairleslie instructed ar quhen thay come to aige easilie pervertit and drawne to Poperie Thairfore his Majestie with aduise foirfaid hes comandit and ordanit and be thir presentis straitlie commandis chairges and ordanes all and findrie parentes to use the ordinar meanes of instructing thair young childrene to present them to thair ordinar pastour at all usual tymes of catechising and examinatioun and to bring thame to the Bischop of the dyocie at everie visitatioun within the parroche to be tryed and confirmed be him under the paynes particularlie underwrittin to be incurrit toties quoties be euerie persone failgeing to present thair children to the Bishop at his visitatioun as said is That is to say be euerie nobilman fourtie pundis be euerie Barone fourty merkis and be euerie inferiour persone twenty merkis or lesse according to the meanes of ilk persone And that letteris be direct to mak publicatioun heirof that nane pretend ignorance of the same.

LETTER FROM KING CHARLES I. TO THE ARCHBISHOPS AND
 BISHOPS FOR SCHOOLES TO BE IN EVERIE PAROCHIN—
 WINDSOR 25 AUG. 1626.

Right Reverend &c. We are informed that it was Provided that English schooles should be established in all the Parochins within that our Kingdome for better instructing of childeren and of the vulgar sort in the knowledge of the treue religion And for the better civiling and removing of the Irish language and barbaritie out of the beigh landes there And that all Bishops within the said kingdome in the vilitation of their Diocefes should see the same accordinglie performed at such Places as should be thought most fitting for the ease of the said childeren setting down a competent meanes for the enterainment of the Scholemaisters which course (as wee are likewise informed) hath not been by yow putt in execution with such exact diligence as was requisite in a matter of such importance Therefor our Pleasure is that yow cause esteablish the said Scholes in such parts as shalbe found most requisite And where the Scholemaisters can be best provyded with competent maintenance according to anie good act and order heretofore prescribed for this purpose And that you weeklie in your severall diocefes be carefull in seeing that euerie Minister in his particular paroch Catechise his Parochinners in the groundes of Religion which as a cheefe poynt of his Ministerie is requisite to be duely obserued. Thus expecting your readie performance of the Premissis We bid yow fairwell Windsor the 25 of August 1626.

IN PARLIAMENTO APUD EDINBURGH 28 JUN. 1633.

Ratification of the Act of Secreit Counsall Anent plantatione of Schooles.

Oure Soverane Lord with the advyfe of the estates Ratifies the act of secreit counfall daited at Edinburgh the tent day of December ane thoufand fax hundred and faxteine zeirs maid anent the planting of schooles With this additione That the Bifchops in thair feverall vifitatiounes fall have power with confent of the heritors and moft pairt of the parifchioners And if the heritor being lawfullie wairnit refusifis to appear then twih confent of the moft pairt of the parifchioners To fet downe ane fient upon everie plough or husbandland according to the worth for maintenance and eftabliſching of the faids ſchooles And if any perſone fall find himſelf greived it fall be lawfull to him to have recourſe to the lords of ſecreit counfall for redres of any prejudice he may or doeth fuſeine And ordaines letters to be direct for chairging of the poſſeſſors for the tyme to anſwere and obey the ſchoolmaifters of the dewties that fall be appointed in maner forſaid. [*Act. Parl. V, 21.*]

IN PARLIAMENTO APUD EDINBURGH 10 SEPT. 1639.

[*Minutes done in the Articles.*]

The article for plantatione of Schoolis Remitted to the Commiſſione to be granted for plantatione of Kirks, &c. [*Act. Parl. V, 259.*]

IN PARLIAMENTO APUD EDINBURGH 20 AUG. 1641.

Overturis from the Generall Afflemblie for Univerfities and Schoollis red in Parliament Item fome Overturis anent Miniſteris And appointis everie Eſtate to haif the dowble thairof that they may be advyfed therwith and gif any of thame concerne his Majeſtie moir particularlie that the note thairof be delyvered to the Kingis Advocat.

[*Overtours for Schooles.*

1. Everie pariſh would have a reider and a ſchooll wherein childrene ar to be bred in reading wryting and grundis of religioun according to the lawdable aëts both of Kirk and Parliament maid befoire.

And where Grammer Schooles may be had as in Burghes and in other conſiderable places (among which all preſbyteriall Seats ar to be reputed) that they may be erected and held hand to.

2. Anent theſe Schooles everie Miniſter with his elders ſhall give accompt to the Preſbyteries at the viſitatioun of the kirk The Preſbyteries ar to mak report to the Sinod and the Sinod to the Generall Afflemblie that Schooles ar planted as abowefaid and how they ar provyded both in men and meanes.

3. And becaus this hath bene most neglected in the Hielandis Ilandis and border Thairfoire the minister of everie parithe ar to instruēt by thair Commiffionaris to the next Generall Affemblie that this courfe is begune betuix and then and they ar further to certefie from one Generall Affemblie to another whither this courfe is continued without ommiffioun or not.

4. And becaus the meanes hitherto named or appointed for Schoolis of all fortis hath bene both litle and ill payed Thairfoir befyd former appointmentis (the execution quhair of it is humblie defyred and to be petitioned for at the handis of his Majestie and the Parliament) The Affemblie wold farther supplicat the Parliament that they in their wifdome would find out how meanis falbe had for fo good ane ufe efpecially the childrene of poore men (being very capable of learning and of good engynes) may be trained up according as the exigence and necessitie of everie place fall requyre and that the Commiffionaris who falbe named by this Affemblie to wait upon the Parliament may be appointit to represent this to his Majestie and the Parliament feing his facred Majestie by his gracious letter hath put us in the hop beirof quhairwith we have bene much refrefhed.

5. The Affemblie wold supplicat the Parliament that for youthes of the fynest and best spiritis of the Hielandis and borderis maintenance may be allowed as to Burfars to be bred in Univerfities.

6. For the tyme and maner of vifitatioun of Schooles and contryveing the best and moft compendious and orderly cours of teaching Grammer we humblie defyre the Affembly to appoint a Committee for that effect who may report thair diligence to the next Generall Affembly.] [*Act. Parl. V, 367.*]

IN PARLIAMENTO APUD EDINBURGH 2 FEB. 1646.

Act for founding Schooles in everie parochie.

The Estates of Parliament Confiddering how prejudiciall the want of Schooles in manie Congregations hath bene and how beneficiall the founding therof in everie Congregation wilbe to this kirk and kingdome Doe thairfore Statute and Ordane That there be a Schooll founded and a scholemafter appointed in everie parochie not alreadie provydit by advyfe of the Presbiterie And to this purpose that the heritouris in everie congregation meet amongst themselfis and provyde a commodious hous for the Schoole and modifie a stipend for the Schoolemaifter whiche fall not be under ane hundereth merkis nor above twa hundereth merkis to be payit geirlie at tuo termes And to this effect that they sett doune a stent upon everie ones rent of flock and teind in the parochie proportionallie to the worth therof for maintenance of the Schoole and payment of the Schoolmafteris stipend Whiche stipend is declared to be dew to the Scolemafteris by and attoure the casualities whiche formarlie belonged to reidaris and clerkis of Kirk Sessions And if the heretouris fall not conveene or being conveened fall not aggrie amongst themselfis Than and in that caise the Presbiterie

trie fall nominat tuell honeft men within the boundis of the prebbitrie who fall have power to eftabliſhe a Schoole modifie a ſtipend for the Schoolemaſter with the latitude before expreſt and fet doune a ſtent for payment thairof upoun the heritouris whilk ſalbe alſe valide and effectuall as if the ſamen had bene done be the heritouris themſelfis And becaus the proportions impoſed wilbe verie ſmall Thairfore for the better and more readie payment therof It is further ordained That if two termes proportions run in the thrid unpayit Then theſe that ſo fail in payment ſalbe lyable in the double of thair proportions than reſting and in the double of everie termes proportion that ſalbe reſting thereafter ay and quhill the Schoolemaſter be compleitlie payit and that without anie defalcatione And that letteris of horning and all uther executoriallis neceſſar be directed at the inſtance of the Schoolemaſter for payment of the double of the proportions in maner foreſaid Diſchargeing heirby anie ſuſpenſion to pas againſt the Schoolemaſteris without conſignatione And it is declared that lyverenteris during ther lyfityme ſalbe lyable in payment of the proportion impoſed upon the landis lyfrented and execution in the maner before expreſt ſhall pas aganis them for that effect And the heritouris ſalbe alwayes frie of the ſame during the lyfrentaris lyfityme And if anie perſones find themſelfis wronged be inequalitye of the proportions impoſed It ſalbe lafull for them to feik redres thairof before the Lordis of Secrete Counfall or Seſſion within zeir and day efter the impoſing of the ſtent and no otherwyfe. [*Act. Parl. VI, 216.*]

IN PARLIAMENTO APUD EDINBURGH JUL. 4. 1690.

Act for visitation of Universities Colledges and Schoolls.

Our Sovereigne Lord and Lady the King and Queens Majesties and the three Estatis of Parliament considering how necessaric it is for the advancement of Religion and Learning and for the good of the Church and peace of the Kingdome that the Univerfities Colledges and Schools be provided and served with pious able and qualified Professors Principalls Regents Masters and others bearing office therein well affected to their Majesties and the established government of Church and State Therefore their Majesties with advyce of the saids Three Estatis of Parliament doe Statute Ordaine and Enact that from this time forth no Professors Principalls Regents Masters or others beareing office in any Univerfity Colledge or School within this kingdome be either admitted or allowed to continue in the exercife of thair saids functions but such as doe acknowledge and profess and shall subscribe to the confession of faith ratified and approven by this present Parliament and alsoe sweare and subscribe the oath of allegiance to their Majesties And withall shall be found to bee of a pious loyal and peaceable conversation and of good and sufficient literature and abilities for their respective Employments and submitting to the government of the Church now settled by law And albeit it be their Majesties undoubted right and prerogative to name visitors and cause visite the foirsaid Univerfities Colleges and Schoolls yet at this tyme their Majesties are pleased to nominate and appoint with advyce and

consent forsaide the persons undernamed viz. The Duke of Hamilton Earle of Argyle Earle Craufurd Earle Marshall Earle Morton Earle Cassills Earle Lothian Earle Kintore Viscount of Arbuthnet Viscount Stair Lord Raith Lord Elphinston Lord Cardross Lord Carmichael Lord Ruthven Master of Burghley Master of Stair Lord Advocate Sir George Campbell Justice Clerk The Master of Forbes Mr Alexander Swinton of Merfingtoun Mr David Home of Croffrig Mr John Hamilton of Halcraig Senators of the Colledge of Justice Sir Patrick Hume of Pollwart Sir John Maxwell of Pollock Sir Thomas Burnet of Lies Sir Robert Sinclair of Stevinfone Sir George Monro of Cullren Mr Francis Montgumrie of Giffins Mr James Melvill of Hallhill Broadie of that Ilk Grant of that Ilk Dunbar of Grainge Mr Robert Learmont of Ballcomey Peter Hay of Naughton elder Cuninghame of Craigens John Dempster of Pitliver Drummond of Meggins George Moncreife of Ready elder Sir John Hall of Dunglafs Sir William Hamilton Alexander Spittell of Leuchat John Anderfon of Douhill Mr James Smallat Mr James Rymer minister Mr William Tullidaffe Mr Gabriel Cuninghame Mr Edward Jamefon Mr Alexander Pitcairne Mr Hugh Anderfone Mr Gilbert Rule Mr Hugh Kennedy Mr John Law Mr James Kirktonn Mr David Blair Mr George Campbell Mr George Meldrum Mr Alexander Forbes Mr William Violand Mr William Mitchell Mr Robert Wyllie Mr James M'Gill Mr Henry Rymer and Master John Oliphant to be visitors to the effect under written viz With full power and Commission to them or major part of them hereby declared to be their quorum To meet and visite all Univerfities Colledges

and Schoolls within this kingdome and to take tryall of the present Professors Principalls Regents Masters and others beareing office therein according to the qualifications and rules above mentioned and such as shall be found to be erroneous scandalous negligent insufficient or disaffected to their Majesties Government or who shall not subscribe the Confession of faith sweare and subscribe the oath of allegiance and submit to the Government of the Church now settled by law to purge out and remove As alsoe to consider the foundations of the saids Univerfities Colledges and Schoolls with the rents and revenues thereof and how the same have been administrated and managed and to sett down such rules and methods for the good management thereof for hereafter As likewise for ordering the saids Univerfities Colledges and Schoolls and the professions and manner of teaching therein and all things else relateing thereto as they shall thinke most meet and convenient according to the foundations thereof and consistent with the present established government of Church and State And to the effect that these presents may be more surely execute Their Majesties with advyce forsaide doe farther Impower the forsaids persons visitors or their quorum to appoint Committies of such numbers of their own members as they shall thinke fitt to visite the severall Univerfities and Colledges within this kingdom with the Schoolls within the bounds to be designed to them and that according to such instructions and injunctions as they shall thinke fitt to give them And to the effect that upon report made be the said Committee to the aforsaide visitors or their quorum they may proceede and conclude thereupon as they shall see cause And their Majesties appoints the forsaids visitors

to meet at Edinburgh upon the twenty third day of July instant for the first dyet of their meeting with power to them to adjourne and appoint their own meetings to such dayes and places as for thereafter they shall judge convenient And this Commission to endure ay and while their Majesties recall and discharge the same. [*Act. Parl. IX, 163.*]

IN PARLIAMENTO APUD EDINBURGH JUN. 15. 1693.

Act altering the Quorum of the Commission for Visitation of Universities Colleges and Schools.

The King and Queens Majesties considering that in the Commission granted in the second session of the current Parliament for visitation of Univerfities Colledges and Schools the major part of the visiters is appointed to be a Quorum and seeing there may be difficultie to get so great a number as the major part of them to meet and that thereby the prosecution of the said Commission may be frustrate Therefore their Majesties with advice and consent of the Estates of Parliament doe ordaine Eleven of the persons nominate by that Commission to be a Quorum in place of the major part formerly appointed by the said Commission. [*Act. Parl. IX, 329.*]

IN PARLIAMENTO APUD EDINBURGH OCTOBER 9. 1696.

Act in favors of Universities Schools and Hospitalls.

Our Sovereign Lord and Estates of Parliament being resolved to give all encouragement to Univerfities Schools and Hospi-

talls Do therfor extend the Aëts and Lawes made in favors of Minifters of the Gofpell for their more eafy and fpeedy ingathering of their Stipend viz That there be no fufpenfion except on Confignation and as to allowance of Expenfes and funnar proces to Univerfities Schools and Hofpittals to the effect they may have the fame benefite therof for uplifting and ingathering their rents and debts that the forfaid Minifters have for their flipends. [*Act. Parl. X, 58.*]

Act for Settling of Schools.

Our Sovereign Lord confidering how prejudicial the want of Schools in many places have been and how beneficiall the eftablifhing and fetleing therof in every paroch will be to this Church and Kingdom Therfor His Majeftie with the advice and confent of the Eftates of Parliament Statutes and Ordains that there be a School fettled and Eftablifhed & a Schoolmafter appointed in every paroch not already provided by advice of the Heritors and Minifter of the paroch And for that effect that the Heritors in every paroch meet and provide a commodious houfe for a fchool and fettle and modifie a fallary to a Schoolmafter which fhall not be under one Hundred merks nor above two Hundred merks to be payed yearly at two terms Whitfunday and Martinmas by equall portions and that they ftent and lay on the faid fallary conform to every Heritors valued rent within the paroch allowing each Heritor relieff from his tennents of the half of his proportion for fettling and maintaining of a School and payment of the Schoolmafters fallary which fallary is declared to be by and attour the

casualities which formerly belonged to the Readers and Clerks of the kirk session : And if the Heritors or major part of them shall not convene or being convened shall not agree among themselves then and in that case the Presbitrie shall apply to the Commissioners of the Supply of the shire who or any five of them shall have power to establish a school and settle and modify a salary for a Schoolmaster not being under one hundred merks nor above two hundred merks yearly as said is and to stent and lay on the samen upon the Heritors conform to their valued rent which shall be also valid and effectually as if it had been done by the Heritors themselves And because the proportion imposed upon every heritor will be but small Therefore for the better and more ready payment thereof It is Statute and Ordained that if two terms proportions run in the third unpaid then these that so fail in payment shall be liable in the double of their proportions then resting and in the double of every terms proportion that shall be resting thereafter ay and while the Schoolmaster be completely payed and that without any defalcation And that Letters of Horning and all other Executorialls necessary be directed at the instance of the Schoolmaster for payment of the said stipend and double of the proportions in manner forsaid And discharge all Suspensions to pass against Schoolmasters of the salaries except upon consignation or a valid discharge And if any suspension be past that the Lords discuss the samen summarily without abiding the course of the roll And it is hereby Declared that Liferenters during their lifetime shall be liable in payment of the proportion imposed on the Lands liferented and Execution in manner forsaid shall pass against

them for that effect and the Heritors shall be always free of the same during the Liferenters lifetime and if any person find themselves wronged by the inequality of the proportions imposed it shall be lawfull for them to seek redress thereof before the Commissioners of Supply Sherriff of the shyre or other Judge competent within the space of year and day after the imposing of the srent and no otherways As also it is declared that the providing of the said Schools and Schoolmasters is a pious use within the paroch to which it shall be lawfull and leifum to Patrons to imploy the vacant stipends as they shall see cause excepting from this act the Bounds of the Synod of Argyle in respect that by a former Act of Parliament in the year one thousand six Hundred and ninety the vacant stipends within the said bounds are defined for the setting up and maintaining of Schools in manner therein mentioned And the said vacant stipends are hereby expressly appointed to be there applied at the sight of the Sheriff of the bounds forsaid And lastly his Majesty with advice and consent forsaid Ratifies and Approves all former Lawes Customs and Constitutions made for establishing and maintaining of Schools within the Kingdom in so far as the same are not altered nor innovat by this present Act. [*Act. Parl. X, 63.*]

APPENDIX.

EXTRACTS FROM THE ACCOUNTS OF THE COMMON GOOD OF VARIOUS BURGHS IN SCOTLAND, RELATIVE TO PAYMENTS FOR SCHOOLS AND SCHOOLMASTERS, BETWEEN THE YEARS 1557 AND 1634.*

ABERDEEN.

1574, 5—Item to the Maister of the Grammer Schoill for his fee of the twa termis - - xxxiiij li vj s̄ iiij d
Item to the Maister of the Sang Schoill - xiiij li xiiij s̄ iiij d
1633, 1634—Item to the Maister of the Grammer Shole
j^c xxxiiij li vj s̄ viij d

These Accounts are preserved in a pretty considerable number in the General Register House. They seem to have been rendered annually in Exchequer, in consequence of the Act of Parliament, 12 Jun. 1535, entitled,—“*Off chesing of Officiaris in Burgh and bringing of thare Comptis of thare commoun gudis yerelie to the Chekker.*”
ITEM Becaus all our Soverane Lordis Burrowis are putt to povertie waistit and destroyit in thare gudis and polcey and almaist ruynous throw falt of using of merchandice And that throw being of Outlandis men Provest ballies and aldermen within burgh for thare awine particular wele In consunying of the commoun gudis of burrowis grantit to thame be our Soverane Lord and his predecessouris Kingis of Scotland

ABERBROTHOCK.

1621, 1622—Item to Mr James Philp Schoolmaister	lxvj	fi	xiiij	š	iiij	đ
Item to James Hill his Doctor	-	-	-	-	four	pundis
1633, 1634—Item to the Skoolmaister for his fie	-	-	-	-	xl	fi
Item to his Doctor	-	-	-	-	xiiij	fi vj š viij đ

ANNAND.

1628—Imprimis to our Scoilmaister	-	-	-	-	xl	fi
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ANSTRUTHER-EISTER.

1634—Item the Maister of the Grammer Skule	-	-	-	-	xl	fi
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AYR.

1627—Item to the Maister of the Grammer Scule his stipend	-	-	-	-	jc	fi
Item for his hous maill	-	-	-	-	xiiij	đ vj š viij đ
The Scule hous maill	-	-	-	-	xx	fi
To the Doctour of the Grammer Scule quha teichis under the Maister	-	-	-	-	vj	bolis victuall and vj fi xiiij š iiij đ of silver.

for the uphald of honeste and poeicy within burgh &c. &c. &c. And that all Provestis baillies and aldermen of burrowis bring yerelic to the Chekkir at the day sett for geving of thare comptis thare compt bukis of thare commoun gudis To be sene and considerit be the Lordis Auditouris gif the samin be spendit for the commoun wele of the burgh or nocht under the panis forsadis And that the saidis Provest baillies and aldermen of every burgh warne yerelic xv dais befor thare euming to the Chekker all thai quha likis to cum for examyning of the saidis comptis That thai may argwne and Impugne the samin as thai plesis sua that all murmour may ceise in that behalf."—*Act. Parl.* II, 349.

Item to the Maister of the Musik Scule for teaching of the Musik Scule and taking vp of the psalmes in the kirk x bollis victuall and xiiij li vj s viij d of silver.

Item the maill of the Musick Schole - - viij li
1633, 1634—The same as in the year 1627-8.

BANFF.

1612—Item to the Maister of Scole for his fie - xl merkis
Item to his Chalmer maill and Scoile - xx merkis
1622—Imprimis to our Maister of our Scholl - lxxx merkis
1628—Imprimis to the Maister of the Grammer Schooll liij li vj s viij d
Item for reiding of the prayeris and uptaking of the psalme xx li

BURNTISLAND.

1612—Item to the Readare for Reading of the prayeris
xxxiiij li vj s viij d
Item for the Scholhous maill - - ix li
1621—The same as in the year 1612.
1627—Item to the Reidar for his stipend xxxiiij li vj s viij d
Item to the Scholmaister for his fie - xxxiiij li vj s viij d
1633—Item to the Reidar for his stipend - xxxiiij li vj s viij d
Item to the Scholmaister for his fie - lxxvj li xiiij s iij d

CUPAR.

1575—Item to the Maister of the Grammer Scuill - xl li s
1579—Item to the Maister of the Grammer Scole his fie and Chalmer
maill - - - - xxvj li xiiij s iij d
Item the Doctors fie - - - xiiij li vj s viij d
1581—Item the Master of the Grammer Scole for ane chalmer
maill - - - - xxvj li xiiij s iij d

Item the Doctors fie	-	-	-	xij li vj s viij d
Item to the Maister of the Sing Schole fie	-	-	-	vj li xij s iij d
1627, 1628—Item to Mr Robert Williamson Maister of the Grammer Schoill of the said Burgh his yeiris stipend	-	-	-	j ^e li
Item to Mr Johne Moreise Doctour at the said Scooll his yeiris stipend	-	-	-	liij li vj s viij d
Item to Mr Alexander Tyllideaphe Maister of the Musick Scool	-	-	-	j ^e li
Item to Johne Mitchell Doctour thairof	-	-	-	xxvj li xij s iij d

CRAILL.

1574—Item payit to the Maister of Schole quhilk wes of auld payit to the chaiplane of the rude altar	-	-	-	xl s
Item payit for the Maister of the Scolis hous maill	-	-	-	vj li xvj s
1576—The same as in 1574 with this addition.				
Item of the sowme of viij li gevin to ane messoun for bigging of the Scoll	-	-	-	Summa viij li
1579, 1581, 1582—Item payit to the Scule Maister prebender of the Halie ruid service	-	-	-	iiij li
1583, 1584—Item of the sowme of four pundis payit to the Scule Maister of the said burgh	-	-	-	iiij li
1622—To the Maister of the Skoill	-	-	-	iiij ^{xx} vj li xij s iij d
To the vptaker of the Psalme	-	-	-	xx li
1628—To the Master of the School	-	-	-	j ^e li

CULLEN.

1628—Item to the Maister of Scoole	-	-	-	iiij scoir li
1634—Item to the Maister of Schoole	-	-	-	lxvj li xij s iij d

DUMBARTON.

1577—Item to the Scholemaister of the said Burgh in augmentatioun				
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of the auld stipend becaus all things ar dar nor in tymes of auld and
that he could nocht be better schape conduct - x liib

DUMFRIES.

1590, 1591—Item to the Scholemaister - xx merkis
To the reaser of the psalmis - - 1 s̄
1627, 1628—Item to the Scoolemaister for his feall and chalmer maill
lx liib
1633, 1634—Item to the Schoole Maister for his feall and chalmer
maill - - - - ij^{xx} liib
To the readar and Maister of the Sang Schoole - ij^{xx} liib

DUNBAR.

1581—Item for the Minister and Skuillhouse maill in the yeir
xviij merkis
1599—Imprimis to the Schulmaister - sex scoir pundis
1621—Item to Mr Alexander Home Scholemaister for his feall and
hous maill - - - - ij^c lxvj li xij s̄ ij^d
Item to the teicher of the Ingliche Schoole and musick j^c li
1627, & 1633—Imprimis to Mr Alexander Home Scholemaister for
his stipend - - - - ij^c liib
Item for his hous maill - - - - xl liib
Item to the teicher of the Ingliche Schoole - xx liib

DUNDEE.

1577—Item for the Scule maill to the bairnis - vj li
1582, 3—Item for ane part of the Maister of the Gramer Scholis
stepand - - - - xxx liib
1602—Item to the Maister of the Grammer Scole ij merkis
Item to the Maister of the Sang Scule - lxxx liib

1621, 1622—Item to Mr James Glyg maister of the Grammare Schoole
for his hous maill - - - iij^e li^b
Item to Mr John Mow Maister of the Music Schoole for his fie and
hous maill - - - ij^e li^b
1628—Item to Mr James Gleg Maister of the Gramer Schole for his
fie and hous maill - - - iij^e li^b
Item to Mr John Mow Maister of the Music Seule for his fie and hous
maill - - - ij^e lxxvj li xiiij s iij d
1634—The same as in 1628.

ELGIN.

1622—First to the Maister of the Gramer Scole lxxvj li xiiij s iij d
To the Master of the Music Scole - - - j^e li
1632, 1633, & 1634—To the Maister of the Grammare and Musick
Schuillis - - - ij^e and xxx li

FORFAR.

1576—Item for kenning of ane skwill to the Maister x merkis
Item for the Skwill house maill - - - iij merkis
1577—Maister of the Seule - - - viij li^b
1622—Item to our Scoul Maister - - - xl li^b
Item the Schoull Maister hous - - - xx merkis

FORRES.

1627—Item to our Maister of Schoole for teatcheing of the samyn lxxx li
Item to ane reider for reiding of the prayeris daylie in the kirk xx li

HADDINGTON.

1557—Item to the Seule Maister of fee - - - xx merkis
Item for Seule hous maill - - - xl s

Item to the Belman for praying for all cristyne saullis	xiiij s	iiij d
1576—Item to Mr James Carmichaell for his Scule hous fie and his hous maill	-	-
		xl fi ^b
Item to Maister James Carmichaell of the first termis payment betuix the toun and him of the ourgevin of the Scule	-	xl fi
Item to ane boy to beir ane bill to the Minister of Lithqw, to try the conditionoun and ordour of the Scule Maister	-	x s
1633—Item to the Master of the Grammer Schoole in feyall		ij ^c fi

INVERKEITHING.

1628—Item to the Reider for reiding of the prayeris and attending on the Scooll	-	-
		xxxiiij fi xiiij s iiij d
1634—Item to the Reader and Schoolmaister yeirly	xxxvj fi	xiiij s iiij d

INVERNESS.

1576—Item to the Master of the Grammer Scule	xxvj fi	xiiij s iiij d
1628—Item to the Master of the Grammer Schoil	-	iiij ^{xx} fi
Item giffin to the Master of the Music Scuil	-	xxxvj fi
1634—Item giffin to the Master of the Grammer Scoil		iiij ^{xx} fi

INVERURIE.

1633—Item for helping ane Scooll	-	xx fi ^b
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IRVING.

1628—Item to our Scholemaister	-	-
		liij fi ^b
Item to our Doctour and Musiciner	-	-
		. . .
1633—Our Schoolmaister	-	-
		lxxx merkis
Our Doctour and Musiciner	-	-
		j ^c fi ^b

JEDBURGH.

1591—Item the Sculmaister	-	-	xxx liß
1592—Item the Maister of the Scules fie	-	-	xx liß

KINGHORN.

1575—Item to the Redar and Maister of Scule			xij li vj ð viij d
1576, 1577—To the redar	-	-	xij li vj ð viij d
1581—Item to the schoilmaster and commoun clerk	-	-	xx liß
1621—Item to Mr Thomas Biggar reidar for his fie			liij li vj ð viij d
1627, 1628—Imprimis to Mr Thomas Biggar reidar for his reidar fie in reiding the prayeris at the kirk of the said burgh			liij li vj ð viij d
Item to William Wells doctor of the scuill of the said burgh for guyd- ing and keeping of the clock	-	-	v li xij ð
1633, 1634—Item to Mr Thomas Biggar reidar at the Kirk of the said Burgh for his ordinar stipend	-	-	liij li vj ð viij d
Item to the doctor of the schole of the said burgh for his fies			xlix liß

KIRKCUDBRYCHT.

1634—Item to our Schoolmaister the said yeir for teiching in our Schnill and reiding in the kirk	-	-	j liß
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LANARK.

1576—Item to our sculemaister	-	-	ij li vj ð viij d
Item for mending of the Sculehous	-	-	l ð
1599, 1600—Item to our scuillmaster for techinge the youth			liij liß vj ð viij d
1621, 1622—Item to the Scholmaister	-	-	ij* vj li xij ð iij d

1627, 1628—Item to the Scholemaister of the said bruche that teiches the grammer for the saidis twa termes	-	j ^c ñib
Item to ane uther Scholemaister that teichis the musick		iiij ^{xx} vj ñi xiiij s̄ iiij d
1633, 1634—In the first gevin to the schoolemaister	-	j ^c ñib
Item to the mwsichioner of the burgh	-	j ^c merkis

LAUDER.

1594—Item to the Schoolmaster for his fey	-	xvj ñib
1621, 1622, 1633—In the first to Mr George Ewein Scholmaister of the said Burgh for his fey conforme to ane contract maid betuix him and us	- - - - -	lx ñib

LINLITHGOW.

1575—Item deliuerit to the maister of the skull of the termes of Lam- mas and ahalowmes in anno lxxv geiris	-	xxvj ñib xiiij s̄ iiij d
1620, 1621—Item I discharge me with the ordinar expenssis of the said Burghe debursit be me the said termes and quhilkis ar in use to be payit yearlie To the Reidar Skuillmaster and utheris officieris within Burgh and pensioneris conform to the Guid tounes auld rentall therof extend- ing in the hail to	- - - - -	iiij ^c l ñi xiiij s̄ iiij d

NORTH BERWICK.

1628, 1633—Item to our Scoolmaister	-	xx ñib
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PEEBLES.

1608—Item to Mr John Young Skwilmaister for his yeirlie fie and chamber maill	- - - - -	j ^c ix ñi
Item gevin to the Doctowr of the Skuill	-	xvj ñi

- 1628—1634—Item gevin to our Scholmaister and doctour for their feyis
ij^c l merkis
- 1634—In the first gevin to our Schoolmaister and Doctor for their
yeirlic fies - - - - - ij^c ti^b

PERTH.

- 1575, 1576—Item to the Maister of the Grammer Skuill for learneing
of the youth - - - - - xxvj ti xiiij s̄ iiij d
- Item for deillis geistis and werkmanschip to the lofting of the Grammer
Skuill - - - - - xl ti^b
- 1577, 1578—Item the Maister of Schoule - - - - - xxvj ti xiiij s̄ iiij d
- Item the Redaris fe - - - - - xvj ti^b
- 1627—Item to Mr Henrie Adamsone reidar thair - - - - - iiij^c ij^{xx} merkis
- Item to Mr Johne Durward Maister of the Grammer Schoole
- - - - - ij^c l merkis
- 1633—Item to Mr Henrie Adamsoun reidar thair - - - - - iiij^c ij^{xx} merkis
- Item to Maister Johne Row Maister of the Grammer Scooll thair
- - - - - ij^c l merkis

RENFREW.

- 1633, 1634—Item in the first gevin to the Skuill Maister of the
Grammer Skuill - - - - - j^c ti^b

ROTHESAY.

- 1619—Item gevin for the maill of ane Scooll hous - - - - - vj ti xiiij s̄ iiij d
- Item gevin out of the commoun purs to help to sustene ane Scool-
maister - - - - - xx ti
- 1628—Item geawin for the maill of ane Schoolhous and of feall to our
Schoolmaister - - - - - xxvj ti xiiij s̄ iiij d
- 1634—Item geavin to thair Scholmaister - - - - - xx ti
- Item for a Schoolhous maill - - - - - viij ti

RUTHERGLEN.

1628—Item to the Schoolmaster of the said burgh for his feall xx liib

1633—In the first debursit to our Scuilmaster and redare
xxxiiij li s̄ vj viij d

ST ANDREWS.

1626, 1627—Item to the publict reader - j^c liib

Item to the Maister of the Musik Scholl and for taking up of the psalme
at preacheing and prayeris of fie - ij^c liib

Item to the Maister of the Gramar Scholl for his fie j^c lxxvj li xiiij s̄ iiij d

1632, 1633—The same as in 1626, 1627.

SELKIRK.

1606—Item to the Maister of the Scule and vnder Doctour l li

Item for the Scule mail - - x li

1627—Item to Mr Thomas Wilkie Schollmaister for his fie j^c merkes

Item for the mail of the Scholl hous - x liib

STIRLING.

1576—Item to the Master of the Grammer Scuil fee
xxxiiij li vj s̄ viij d

1617, 1618—Item the Maister of the Schole - ij^c merkis

Item the Doctour of the Schole - - xx liib

Item for mending of the Schole - - xxiiij liib

1628—Item to our reeder at the kirke in feall - ij^c liib

Item to our Maister of Schole - j^c liib

Item to our Doctors in the Grammer Scuille - lx liib

TAYNE.

- 1620—Item payit to thair Reidar and Schoolmaister the said yeir
 iiij^{xx} fi
- 1622—Item payit to thair Redar and Schoolmaister the said zeir
 iiij^{xx} fi
- 1628—Item to Mr Thomas Ross Master of the Gramour Schooll j^c fi^b
 Item to Mr Johne Tullideff Reider and Master of the Musiek Schooll
 j^c fi^b

WIGTON.

- 1577—Item to the Scule Maister for techeing and uphalding doctryne
 to the yowth Summa thairof extendis to - vj fi xiiij s iiij d
- 1620—Item to the Scholmaister of the said burghe . iiij^{xx} fi^b
- 1628—First to the Schoolmaister - iiij^{xx} fi^b
- Mair to him for reiding of the prayeris in the kirk xxxiiij fi^b vj s viij d
- Item to ane Selatter for uphalding the kirk Tolbuith and Scooll yeirlie
 xiiij fi vj s viij d
- 1633—Imprimis gevin to ane Schoolmaister for teiching the Grammer
 Schoole reiding and raising the psalmeis in the kirk yeirlie iiij^c merkis

EXTRACTS FROM ORIGINAL LETTERS OF GEORGE
EARL OF MORTON TO HIS SON JAMES LORD
ABERDOUR, AS TO PROCEEDINGS IN PARLIA-
MENT RELATIVE TO THE PORTEOUS MOB.

M.DCCXXXVII.

THE riot and murder, known by the name of THE PORTEOUS MOB, furnish one of the most recent instances in our history, of the "*perfervidum ingenium Scotorum*," being publicly displayed in acts at once of daring resistance to law, and of atrocious cruelty to an individual. The particulars of that occurrence, with many of the events which preceded and followed it, have, in THE HEART OF MID-LOTHIAN, and the Notes to that tale, been collected with accurate care, and recorded by an unrivalled pen. And this renders any narrative introductory to the following Extracts quite unnecessary.

The unusual magnitude of the crime, the skill with which it appeared to have been planned, the determination with which it was persevered in, and the shocking fate of the unhappy victim, all contributed to raise the strongest feelings of horror in the minds of well-disposed persons. The interval which had elapsed since the rebellion of 1715 was not so great as to prevent apprehensions on the part of the Government of a general disaffection, or at least of ulterior violence being

manifested by the populace of Scotland. Hence extraordinary pains were taken to sift the affair to the bottom ; and a great excitement with regard to it prevailed, not only throughout Scotland, but also in the metropolis of the empire.

This the following Letters will in some measure illustrate. They contain an account of the proceedings in both Houses of Parliament, which followed these events ; and this, though brief, is valuable for its very plainness and simplicity. It was communicated by a Nobleman in high estimation for his integrity and abilities, to his son, who afterwards succeeded him as Earl of Morton, at a time when the system of full Reports, by which the proceedings of Parliament are now so voluminously recorded, was totally unknown. To the kindness of the present Earl the Club is indebted for the use of the original letters ; as it has been on former occasions for other interesting papers.

The petition to the Queen in favour of Porteous, which is printed from the original in the possession of the Society of Antiquaries of Scotland, is given, both as being in itself a curious document, and as embodying some palliating circumstances which led to the extension of the royal mercy to that unfortunate man.

LETTERS RELATIVE TO THE PORTEOUS MOB.

LONDON, 10th February 1736-7.

JAMES,

This day being appointed to take the Kings Speech under consideration, the Lord Carthret moved that the house might be adjourned and turn'd into a Committee of the whole house, and then he made a long speech upon the ryots and mobs that had been committed at fundry turnpyiks in the West and at Spitlefields; and then his Lordship expatiate upon the horrid mob and murder that was committed at Edinburgh, and even said that it might take away the priviledges of the City, and propos'd that the Provost and Majestrates that were in place at that time should be ordered to appear at the barr of the House of Lords to give an account of their behaviour on that occasion. He was answered by the Duke of Newcastle, who spoke as modestly as that horrid subject could bear, and the Lord Batters spoke and seconded Lord Carthret's; then the Earl of Ilay (who has not as yet recovered his late illness) spoke in a very handsom manner, and tho' he condemned the

horridness of that mob and the cruelty which they had committed, yet he spoke very strongly against taking away the privileges of the City, or removing the Court of Justice to another place, which was proposed by the Lord that opened the debate; and then Lord Carthret made the motion that the Provost and Magistrates that were in office at that time, and the officer that commanded the Town Guard, should be ordered to appear at the bar of the House of Lords to answer such questions as shall be asked at them, and that General Miles should be ordered to appear at the same time, and a true copy of Captain Porteous's trial, and the orders that were sent down after that mob should be laid before the house, which was seconded by Lord Batters, and was carried, and they are appointed to appear this day month. By this you'll see what a dilemma that villainous mob has brought upon our nation, and the City of Edinburgh in particular, and God knows what length it will be carried. I wish to God the Magistrates may be able to make a discovery of the ringleaders, which I perceive will be the only thing that can obtain them and that ancient City favour. I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 15th February 1736-7.

JAMES,

I believe before this time that the warrant for ordering the Provost, Baillies, and Captain of the Town Guard of Edinburgh, (to appear at the bar of the House of Lords) will be arrived,

which I suppose will lay the courage of your mob vindicators and encouragers, for the Peers are resolv'd to be at the bottom of it.

I am sorry to have it to tell you that yesterday's morning my Lord Chancellor dyed, of five days illness, of an inflammation in his stomach, which is as great a loss to this nation as could come by the death of any subject, for there is not a man in England that can supply his place for a learned, upright, honest, and just Judge, and who is lamented by every body. The King is much better this day, and the Duke of Newcastle, Sir Robert Walpole, my Lord Herrington, and his Secretary of War, were with him this forenoon. * * * * *
I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 5th March 1736-7.

JAMES,

I had yours of the 26th ultimo, and hear that Captain Linn came to town two or three days agoe, and Mr Irvin and some others came since, but the Magistrates were not come this afternoon, but am told they will be here to-morrow; and I suppose the ministers will forgive them for traveling on Sunday, being a case of necessity, but how they will manage their matters it's more than I know; but you may believe that a soft speech will not do their business, for there are some Lords designs to have them examined very strictly, but I hope that nothing will appear that can hurt the privilege of the City,

and I really believe it will not appear that the Majestrates have been anywise concerned in encouraging the mob, and that their only crime is being deficient in their duty, in not exerting themselves in time to suppress that mob, which I really think was occasioned from ignorance and fear; as for Linn, I doubt not but he will vindicate himself, tho' it is not doubted but he must certainly know some of those that were active among the mob, but a little time will clear us of this. * *

* * * I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 8th March 1736-7.

JAMES,

I have yours of the 1st by yesterday's post, with an account of the Master of Ross's illness, which I am heartily sorry for, and wish him a good recovery, for I have reason to believe that one will succeed him that will not fill his place. * *

* * I suppose you have heard that Lord Bute is to stand for the 16 Peer in room of the Earl of Orkney. Yesterday the house of Peers were upon the Duke of Athole's claim, to the title of Lord Barron Strange, as the next heir to it, which he carried unanimously; so that he and his successors will sit as a Peer for England in the House of Lords for ever.

* * * I hear our Majestrates are all come to town, and must make their appearance on Thursday next.

* * * I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 10th March 1736-7.

JAMES,

Yesterday I received yours of the 3d, &c. * * *

This day the Majestrates of Edinburgh, and others that were sent for, were called to the bar of the House of Lords, and swore, and afterwards were ordered to withdraw, and the house went into a Committee of the whole house; the Provost was called to the bar and examined upon several queries given in by the Lord Carthret, and several questions asked him by other Peers; the examination continued till near 7 o'clock, and really he behaved very well, and much better than was expected; the debate is adjourn'd till Wednesday next, and then the rest will be taken to task, and I doubt not but they will behave as well as the Provost did, so I hop they will come much better off than was expected; but there was a motion made that Lieut.-General Wade, and Provost Linfay, should ask leave from the House of Commons to be examined: I reckon it will be a pretty tedious business before we end it.

* * * * *

I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 17th March 1736-7.

JAMES,

* * * I have been laid up with the gout since Saturday last, and was not able to goe and hear the Majestrates examined yesterday, but this day (tho' very lame) I went in

my clok to the houle, and heard Captain Lind examined, who answered very distinctly and very pointedly, but differed in several questions from the Provost; and I am affraid that the poor Provost does not stand in so good a light as he did; others are to be examined to-morrow, and if I am able I'll venture out. * * * I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 19th March 1736-7.

JAMES,

Yesterday Provost Lindfay was examined at the bar, who gave very distinct answers, which were as favourable for the conduct of the Magistrates and himself as the nature of the thing would bear, but it still appeared they were very negligent and deficient in their duty in not suppressing that vile mob. General Miles was examined next, who said very much for his own vindication, and blamed the Magistrates and Mr Lindfay for not bringing a written order to him, and certainly they were to blame, seeing he had all the foggers about the town in readiness at the Canongate Guard to march, before Mr Lindfay came to him, but these two differed in some respects: General Wade is not yet examined, but will on Tuesday first, but I think it seems to be agreed on all hands, that the Magistrates have been very deficient, and I am affraid the Provost will not come off so well as I would wish him. A little after the Committee was up and the house resumed, to our great

furprize Lord Lovel moved, that the Lord Justice Clerk should be sent for, which occasioned long debates, it being an unprecedented thing to send for a Judge without giving a reason, and the Lord Chancellor himselfe spoke against it, and shew'd the unreasonableness of it; then it was proposed to delay it at that time, and that it might be taken up afterwards, but this they would not yield to; and severals of the Court party disserted us, but at the division we carryed it, but I believe that it will be moved again to send for him. I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 22d March 1736-7.

JAMES,

I have yours of the 15th. I cannot tell you what to think of the Duke of Athol's being made an English Peer, seeing I don't hear of any Scots Peer being to be elected in his room at this time, but I cannot give you the reasons, I not having heard as yet what they are that are given for it. I have been pretty much out of order of late by a fit of the gout, and pains in my shoulders, tho' I was obliged to goe to the House of Peers this day, where I heard Colonel Durure, Major Pool, and General Wade examined, which continued near five hours; they do not make for the Majestrates: I suppose you'll soon hear that Lord Milton, Lord Royston, and Lord Dun are ordered to attend the house, which motion was made yesterday

by the Duke of Newcastle, which if it had not, I believe the other party wou'd have moved this day to have brought Lord Milton by himself; and as the house was rising it was moved to send for Mr James Graham, Jun., which was occasioned by something that Major Pool told of a discourse that happened betwixt him and Mr Graham, upon Captain Porteous's writing a letter to the Major, to stay 'till his tryal was over, which Mr Graham said he would speak to the Advocat about, and that the Advocat told him he might goe, and that he would allow the evidence he gave to be admitted in the tryal, which I can hardly believe; and upon this Mr Graham is ordered to attend Monday comes three weeks, which I think is very hard upon him. * * * * I give you all my blessing; Is all I have time to say to-night, but am

Your affectionate Father,

MORTON.

LONDON, 24th March 1737.

JAMES,

I have yours of the 17th. * * I fancy by this time the Jury has brought in their verdick against M^r Lauchline, tho' he is indicted for high Treas'n, as well as other crimes: To-morrow all the evidence that was given at the bar is to be read to the house, and then the consideration will be adjourned for some time, and I believe till the Lords of Justiciary come up. * * * I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 26th March 1737.

JAMES,

I have no news to write you to-night, but that on Thursday laſt the depositions of the Maſterſ of Edinburgh, Colonel Durure, Major Pool, and General Wade, were read before the houſe, and the conſideration of them is to be taken upon Thursday next, which really comes out pretty ſtrong; and it was moved by a Lord, that the Provoſt ſhould be ſent to Newgate, for prevaricating in his examination, but the conſideration of the whole having been put off till Thursday, it was let drop 'till the whole was before them, and then I am afraid they will be heavy on his Lordſhip and ſome of the Maſterſ: I heartily wiſh we may have the account of M'Lachline's being condemn'd before that day come; otherwiſe, we ſhall be all affronted, and make good the paragraph of General Miles's letter, wherein he aſſerts to the Duke of Newcaſtle that no Jury will condemn any of Porteous's murderers, that are tryed in Scotland; I ſhall bring you down a copie of the heall affidavats, which I have been at the expence to cauſe write out. * * *

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 29th March 1737.

JAMES,

* * * That unhappy affair of Porteous's is like to keep us long together: It was indeed ſurprizing to every

body to hear that M^cLauchlean has got off for want of evidence against him, and I am affraid it will be of ill consequence to the Majestrates, whose affair is to be before the House of Lords Thursday next; I admire they should have tryed this fellow without having clear evidence against him, for it has brought a scandall upon the whole nation, and God knows what the consequence may be; it has made good what General Wade and Miles wrote to the Duke of Newcastle, that no Jury in Scotland would condemn any that were concerned in the murder of Porteous, and I now make no doubt but all England believes it. * * * *

I give you all my blessing, and tell Sholto that I hear he is a very good child. I am

Your affectionate Father,

MORTON.

LONDON, 2d April 1737.

JAMES,

Yesterday the Edinburgh affair came before the House of Lords, and I herewith send you a coppie, (which I had from one of the Clerks of Parliament) of the motions and resolves which pass yesterday, which occasioned long debates and speeches; and M^cLauchlan's being assilzied has occasioned a great spight against the provost. It seems some days agoe it was resolved to punish the Provost, and not to medle with the rest of the Magistrates, and it was agreed by the whole house that he should be punished, but they differed in the method of doing of it: The Duke of Argile spoke twice ex-

traordinary well, and exprest his indignation againſt the horrid mob, and the neglect of the Provost for not uſeing proper means to prevent it, but was not for having the puniſhment by a bill, he thinking bills of that nature might be of ill conſequence to the priviledges of the Houſe of Peers, but ſaid, he thought it might be done after another manner, but as a bill was thought the beſt method, it was carryed as you'l ſee by the incloſed; and the Duke of Argile voted againſt that method, as did the Duke of Athole; Earl Iſlay withdrew, Earl Selkirk was abſent, Earls Crawfoord, Findlater, Dunmore, Bredalbean, Laudan, Cathcart, and myſelf were for the bill. The Duke of Buckleuch and Portmore were in the country. All thoſe that voted againſt the bill, except the two Scots Peers, ſeem'd to be for having the puniſhment higher, and Earl Straford propoſed to have the Provost ſent to Newgate: This will occaſion the Parliament to ſit a long time, for it muſt be all tryed of new, and witneſſes examined, and its probable the Houſe of Commons may deſire to have witneſſes examined before them, ſo the Provost may have a chance, for the Lords will not allow the Commons to make the puniſhment greater, as ſome Lords would have been at. I underſtand John Drummond writes to his brother William, but I doubt if he will get a coppie of this which I ſend you, therefore may ſhew it to him, or any other of your friends you pleaſe; and if Willy Martin fall in your way, may ſhew it to him likeways, if you find that he has not ſeen any other of them. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 5th April 1737.

JAMES,

Last night I had yours of the 29th ultimo, and likewise yours of the 22d, wherein you mention something of M'Lauchlan's being acquitted, which came safe to hand; and I don't doubt but Pitcur may have likewise received his letter before this time, for letters will fall by sometimes for a post, and yet come by the next. * * * This day the Provost's bill was read the first time, and is appointed to be read the second time on the 3d of May, when the trial will begin of new; the Provost is allowed to summon witnesses, and will also be allowed council, and it's possible that the Commons may either reject it, or make some amendments, which the House of Peers won't agree to.

I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 16th Aprile 1737.

JAMES,

* * * Yesterday I was visiting our three Judges, who have made a safe journey, and seems to be in very good health and spirit. I don't see how the House of Peers can trouble them, but am afraid the House of Commons will be very hard on poor Lord Milton, on account of imprisoning some of the Magistrates of Haddington at the last election. * * * I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 19th April 1737.

JAMES,

* * * I am affraid it will be the midle of June before I reach Edinburgh. Our three Scots Judges are to make their appearance in the Houfe of Lerds upon Thursday 7 night, and I am told they are to do it by a write from the King, and will fit upon the Wool-Sacks with the English Judges, which will be the moft honourable way of bringing them there, and I fuppofe they will appear in their gowns; I wih they may come off with as much honour at laft, as I hop they will. Upon Thursday next Porteous's tryal (which is printed) is ordered to be read to the houfe, and is to be taken to confideration upon this day 7 night, where it will be debated; this day our Lord Provost was admitted to beal, and Mr Blackwood and Mr Claud Johnfton are his two beals, each of them is bound in £1000, and the Provost himfelf is bound for £2000. * * * * I give you all my bleffing, and am

Your affectionate Father,

MORTON.

LONDON, 26th April 1737.

JAMES,

I have yours of the 19th, with one inclofed for Colonel Charles, which I fent to him. I am ftill troubled with the pain at my ftomack, tho' I am eafier than when I wrote you laft; and likeways I am troubled with rheumatick pains in my fhoulders and arms, which I have had lefs or more fince before I came from Scotland, which I was in hopes to have

got carried off by drinking goat-whey, but I have now given over hopes of it, it being thought that the Parliament would rise till the latter end of June, or beginning of July, and all this is owing to your cursed mob. This day the House of Peers was upon the consideration of Porteous's trial, which occasioned many and long debates, and continued till 8 at night, and then the further consideration of it was adjourned to Friday: Our Judges have not as yet been called to appear before the house, nor do I hear that it is as yet determined in what manner they are to appear. I am very fatigued, and can say no more, but my blessing to you all. I am

Your affectionate Father,

MORTON.

LONDON, 3d May 1737.

JAMES,

* * * Yesterday we had a long debate about the manner our Judges should appear, and it being found by the Records of Parliament that never any Judges that were called by the Peers had been allowed to sit among English Judges, but one single instance of two that had been Judges who were called by the Convention at the Revolution, and afterwards were dismissed, and never allowed to come to the house again; but it appeared upon many occasions that the Keepers of the Great Seal, the Chancellor of Exchequer, always appeared at the bar, and even the great Lord Chief Justice Holt being once called appeared likewise at the bar; so it was put to the vote, and it carried that they

should come to the bar, 48 against 37, so they were ushered in by the Keeper of the black rod, and chairs set for them, tho' they had no occasion to sit down, and every question that was asked at them were put in writing, and joining their heads together. Lord Dun, who was appointed to answer first as being youngest, gave his answer, and next Lord Royston, and then the Justice Clerk, and they all answered very exactly to every question as they were put to them; so they were ordered to withdraw, upon Lord Carthret's moving that some of our laws might be altered, and further proposed that English Judges and our Judges should conferr together, and prepare a bill against next year, to be brought in for that purpose, and I don't hear that they will be called again. This day being appointed to read the Provost's bill a second time, he was brought to the bar of the house, and the council for the King opened the case against him, and proposed to call witnesses, but it being late the house adjourn'd 'till to-morrow at 11 of the clock, and then we shall have a pretty long day of it: The Duke of Argile moved three different questions in relation to what part the officers of the army were to act upon being commanded with a party to see the sentence of the law put in execution when a criminal was ordered to be hanged at Stockmercat, or any other town in England, in case a mob attacked them, and likewise how they were to behave in case a mob drew themselves up in a narrow place to stop them from getting forward to the place of execution; and the third question was much to the same purpose, and the Judges were ordered to give their opinion; and then it was moved by some English Peer, that the Scots Judges that are here should give their opinion how

the laws of Scotland stood in relation to these questions that were moved by Duke of Argyle, but Earl Hlay moved that the Judges should goe first to Scotland, that they might consult their law books, and discourse their brother Judges upon it, and then to return their opinion in writing; so with a good deal of debate this was yielded to, and I hop you'l get our Judges soon home. * * *

I fend you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 10th May 1737.

JAMES,

* * * The Provost's bill was read a second time yesterday, which Lord Crafoord made a speech against, and it is to be in the Committee to-morrow, and you may depend it will pass our house in spite of us all; but that which concerns me most is, that we cannot prevent the guards being taken away, and the Natherbow ports pull'd down, and I am affraid it will likewise pass the House of Commons, tho' some people will have, that they will through it out. I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 12th May 1737.

JAMES,

* * * Yesterday the Provost's bill passed the Committee, and is to be read a third time to-morrow, where

we will have a full divifion, and I doubt if there will be any body againft it but the Scots. I give you all my bleffing, and am

Your affectionate Father,

MORTON.

LONDON, 24th May 1737.

JAMES,

* * * The Provost's bill (as they call it) is appointed to be read a fecond time to-morrow, and then the fate of it will be knowen, 'tho I make no manner of doubt but it will pafs, and I am told they defign to lay a fine on the town or the Provost for the behoof of Porteous's widow : At present it feems to be very uncertain when the Parliament rifes, for the midle of June is reckon'd to be the fooneft, fo I don't expect to have the pleafure of drinking goat-whey this year.

I give you all my bleffing, and am

Your affectionate Father,

MORTON.

LONDON, 26th May 1737.

JAMES,

Last night I had yours of the 19th. Yesterday being appointed for reading of the Provost's bill a fécond time in the Houfe of Commons, after fome debate, it carryed to be read by 146 againft 99, and the houfe is to goe into a Committee upon it next week ; fo you need make no doubt but it will

pafs the houfe; and I believe with fome more claufes added to it than it had when it paffed the Houfe of Lords: I believe there will be a provifion made for appointing a method to keep the peace of the town, 'tho not by a guard of fouldiers with red coats and guns. * * * *

I think of nothing elfe to fay at prefent, but my bleffing to you all. I am

Your affectionate Father,

MORTON.

P. S. * * I almoft forgot to tell you that all the Scots Members voted againft the reading the bill a fecond time, except Brigadier Anfturther, and Brigadier Robert Murray, who represents an Englifh Burgh.

TO THE QUEENS MOST EXCELLENT MAJESTY,
*The Humble Supplication of the Noblemen and others
underwritten,*

SHEWETH,

That Wee, his Majeftys moft dutyfull and loyall Subjects hereto fubfcribing, doe with the moft profound reverence and fubmiffion beg leave in humble manner to lay before your Majefty,

That John Porteous, late Captain Lieutenant of the City Guard of Edinburgh, was indited by His Majefty's Advocate Generall, ffor having, while he the faid John Porteous was

attending the execution of Andrew Wilfon, with a detachment of the guard of the faid City under his command, fired himfelf, and given orders to the men of the guard to fire upon the multitude affembled at the faid execution, whereby feveral perfons were killed and wounded.

That the Jury fett upon him, after evidence adduced, did find fpeciall in manner following, viz. FOUND IT PROVEN that the faid John Porteous fired a gun among the people affembled at the place of execution and time libelled, As alfo that he gave orders to the foldiers under his command to fire, and upon his and their fo firing, the perfons mentioned in the Inditement were killed and wounded. AND FOUND it proven, That the pannell, *i. e.* John Porteous and his guard, were ATTACKED AND BEAT with feveral ftones of confiderable bigneff, whereby feveralls of the foldiers were bruifed and wounded.

That upon the return of this verdiçt the High Court of Jufticiary did condemn the faid John Porteous to be hanged upon the eight day of September nixt.

That Wee doe with the utmoft humility and reverence beg leave to fubmitt it to your Royall wifdom, whither there are not fome circumftances attending the cafe of the faid John Porteous that may plead our excufe for thus prefenting him to your Majefty, as a proper object of the Royal Clemency; and whither, if the fentence aforefaid fhall be executed to the rigour, it may not encourage wicked and evil difpofed perfons to adventure upon refifting the juft execution of the laws. And THEREFORE, if in refpect of the attack upon the guard fo found proven by the Jury, the faid John Porteous may not

merit some mitigation or commutation of the sentence pronounced against him.

MAY IT THEREFORE please your Majesty to take the premises under your Royall consideration, and to give such relief as to your Majesty in your Royal wilddom may seem meet.

SALTOUN.

Hew Dalrymple of Drummore.

Cha. Frazer of Inveralachie.

Alexander Frazer, Master of Saltoun.

Geo. Skene of that Ilk.

Alexander Udney of Udney.

A. Burnett of Leyes.

Tho. Forbes of Echt.

Arch. Grant of Monymusk.

Rot. Burnett of Sauchen.

Geo. Burnett of Kemnay.

Jo. Arbuthnott of Fordoun.

Phil. Foulerton of Philpshal.

A. Frazer of Powis.

John Irvine of Drum.

J. Foulerton of Cowie.

Arthur Forbes of Craigievar.

Al. Gordon of Pitlurg.

Will. Forbes of Desblair.

ACTS STATUTES AND OTHER PROCEEDINGS OF
THE PROVOST BAILLIES AND COUNCIL OF
THE BURGH OF EDINBURGH.
M.DXXIX—M.DXXXI.

LIBER STATUTORUM BURGI DE EDINBURGH DE
MANDATO MAGISTRI ADE OTTIRBURNE PREPOSITI
BALLIVORUM ET CONSULUM EJUSDEM OCTAVO DIE
MENSIS OCTOBRIS ANNØ DOMINI MILLESIMO QUIN-
GENTESIMO VICESIMO NONO.*

Broustarris.—IT IS STATUTE and Ordanit be the Provest Ballies and Counsall That na brouster na dry tapstar in this burgh tak apone hand to sell ony derrar aill fra Monunday furth at nixt cummys na xvi d the galloune and at it be gud and sufficient aill of the price forsaid commonlie tilbe sauld till all the Kingis liges vnder the pane of viij s for the first falt the secund falt deling of thair aill and the thrid falt to bring thar caldrone or kettellis to the crose and ding thame throw with ane puncione and spane thame fra the operatione for yer and day.

* This Book of the Statutes of the Burgh of Edinburgh composes the second part of a Volume lately discovered. It contains many curious Acts relative to the regulation of weights and measures, to the sickness of pestilence, and other matters regarding the general police of the Burgh, beginning October 8, 1529, and ending July 7, 1531. Their general importance have made them to be thought worthy of a place in this Miscellany. The first part of the Volume, termed on the margin the "Nichtbourheid buik," is entituled, "*Liber Actorum et decretorum Decani Gilde burghi de Edinburgh super linationes terrarum infra dictum burgum confect. in tempore Joannis Adamsoun decani Gilde dicti burghi In anno domini Millesimo quingentesimo ricesimo nono.*" It begins April 29, 1529, and ends June 29, 1557.

Baxtaris.—Item it is statute and ordanit be the prouest ballies and counsall that all baxtaris within this burgh baik thar braid gud and sufficient stuff weill bakin and dryit and at the ij d laif wey xvij vncis and the brovne breid efferand tharto vnder the pane of anc wnlaw the first falt and fra thine furth deling of thar breid And that na Hukstar within this toune tap nor sell ony quhite breid in for buthis fra Monnday furth vnder the pane of eschaeting of the breid and bannasing of thaim the toune and at ilk baxtar haif bot ane buth to sell his breid in allanerlic and his awin merk apone his breid.

Candilmakaris.—Item it is statute and ordanit be the prouest ballies and counsall that all maner of parsonis Candilmakaris within this burgh that thai mak thair candill that thai sell till our Souerane Lordis legis of gud and sufficient stuff baith weyk and tallone and sufficient werkmanschip and at thai sell the pund thairof commonlie for vj d the rag weyk and v d the lið the hardis weik and at thai haif thair ballandis and wechtis baith les and mar and be redy till sell the samyne in pundis and half pundis in houssis and vtouth gif thai pas apone the hie gait vnder the pane of viij s for the first falt and the secund falt eschaet of thair stuff and the thrid falt spanyng of thar operatione and quhen thai pas thron the tovne that thai be honestlie tursit vnder the panis forsaid and at na candilmaker melt thair tallone on the foirgait vnder the said panis.

Stabillaris.—Item it is statute and ordanit be the prouest ballies and counsall that all maner of Stabillar within this burgh haif thair stabilis weill and sufficient furnest with hek and mangear with sufficient lokis for the durris for sure keiping of the horsis that stabillis with thame and sall sell thar best corne that wilbe mell till all our Souerane Lordis legis for vj d the pek and the secundar for v d the pek and at thai sell the stane of hay for iiij d the stane under the pane of viij s for the first falt the secund falt eschaet of the stuff and the thrid falt spanyng fra

thair operatione and that thai tak na stabill fec fra the personis that lugis with thame thai byand thar corn and hay fra the said stabillaris and at na maner of personis except stabillaris by nor sell ony aittis or hay to sell and regrait to the Kingis liegis vnder the pane of eschaeting of the stuff and bannasing of the toune.

Pultre and wyld foule.—Item It is statute and ordanit be the prouest ballies and counsall for the commonne weill of this burgh and all our Souerane Lordis liegis reparand tharto that all maner of personis that sellis pultrye duelland within this burgh or vtouth reparand tharto with syk stuff to sell in tyme cummyn that thai bring thar stuff forsaid pultre and wyld meit opinlie to sell at the merkat corse and nocht to be haldin in covert under cloikis or gounis nor yit in thar houses bot commonlie tilbe sauld till all thair Souerane Lordis liegis and euery day heirfor to be ane merkate day at the merkat corse and nane vther place and at thai begin thar merket betuix viij and ix houris befor none and sa continew quhill xij houris and at twa howris efternone and to continew quhill v houris at evin in winter and quhill vij houris in somer and the strangeris bringand syk stuff to the merkat and out duellaris till haif the merkat dalie siklyke and at na nychtbowr man or woman by fra the strangeris priualie or oppinlie to sell or regrait agane ony maner of wyld foull or tayme nor at nane pas out of the toune to by ony wyld foull or tayme to regrait agane be the space of vj milis vnder the pane of bannasing of the toune and eschaet of thar stuff that beis fund with thame and at nane of the saidis regratoris be sene in the merkat amangis byaris and sellaris of wyld or tayme foule vnder the saidis paynes.

Fische.—Item It is statute and ordanit be the prouest ballies and counsall that na maner of persone man nor woman regrait nor by ony fische to tap nor sell agane to the nychtbouris of the toune nor to our Souerane Lordis liegis quhill xij houris be struikin and fra ane hour

after none quhill vj hours at evin vnder the pane of bannasing of the toune and at na syk personis pas out of the toune to the portis or vther placis to by ony fische to regrat agane vnder the said payne.

Regratouris.—Item that na maner of parsone man nor woman regratouris of fische eggis butter cheise frute or vther syk stuff hald ony maner of burdis or cramis to sell syklike stuff apone the hie gait nor vnder staris bot in thar awin house fra this tyme furth vnder the pane of bannasing of the tovne and at nane of the saidis regratouris be sene in the merkat amangis byaris or sellaris on to the tyme of the saidis houris of xij at none and quhill vj hours at evin be past vnder the pane of bannasing and at na regratour by ony butter or cheise bot on the merkat day and nocht quhill xij hours be strakin at none vnder the pane of bannasing.

The statute to haue wappinis redy in buthis.—Item because in tymes past thar has bene slauchteris and murthoraris committit within the tovne in defalt of the officiaris and nichtbouris that rysis nocht to resist and pvnise the samyne to the gret sclander and diffamatioune of the toune makand it to be fre to all syk mischeiffis.

Heirfor it is statute and ordanit that every merchand and craftisman haiffand thair foir buthis that thai haif in thair said buthis ane ax or twa or thre efter as thai haue seruandis and to cum incontinent to the provest or ballies redy to fortify and manteine thar our men and justice and quba that has nocht the said wappinnis fra Monunday furth nixt to cum and is nocht redy to cum to thair oure men incontinent as said is to pay to the commone werkis of the tovne xl s̄ for the first falt and for the secund falt gif he be ane man of substans to pay x li to the commone werkis of the tovne and for the thrid falt tyne his fredome And gif he be ane man that has nocht substans and may nocht pay the said

wnlawis to tyne his fredome for yeir and day and forther induring the townis will.

That na broustaris nor regratouris be tholit.—Item It is statut and ordanit be the prouest ballies and counsall that na maner of broustaris nor regratouris be tholit within this tovne bot thai that ar kend honest and substancious personis fra Monunday furth nixt to cum bot thai that sall be admittit be the provest ballies and counsall vnder the pane of bannasing of the toun.

The Meill Market.—Item It is statute and ordanit be the prouest ballies and counsall that na maner of personis man nor woman that bringis ony meill to this market within this tovne stryk vp the samyne quhill ix houris befor none and at na persone house the samyne within housis quhill iij efter none be strykin ilk day vnder the pane of eschaet tharof and at na metteris of meill mak ony metting tharof within this toun bot at the awnaris of the said meill met the samyne thar self till all our Souerane Lordis liges vnder the pane of bannasing and at na personis man nor woman regrait nor by meill to sell the samyne agane in smallis vnder the said panis of bannasing.

Decima Octobris nno V^o cxxix^{no}.

Bikkyringis betuix Barnis.—It is statut and ordainit be the prouest ballies and counsall Forsamekle as thar has bene gret bikkyringis betuix barnis and followis in tymes past and diurse thar throw hurt in perrell of thar lyffis and gif sik thingis be usit thar man diurse barnis and innocentis be slane and diuisione ryse amangis nychtbouris tharthrow Heirfor We charge straitlie and commandis in our Souerane Lord the Kingis name the prouest and ballies of this burgh that na sic bykkyrrandis be usit in tymes to cum certifing that and ony persone be fund bykkyrrand that

thar faderis and masteris sall answere and be accusit for thar deidis and gif thai be vagabondis thai to be scurgit and bannist the toune.

Regraiteris.—It is statute and ordainit be the prouest ballies and counsall of this toune Forsamekle as it wes statut that na maner of persone man nor woman regrait nor by ony fysche to tap nor sell agane to the nychtbouris of this toune nor nane vthir our Souerane Lordis liegis quhill xij houris be strikin and fra ane hour efter none quhill vj houris at evin vnder the pane of bannasing Nochtwithstanding Margret Clapane has contempnandlie brokin the said statute and coft osteris this day to regrait agane in contrar the said statutis maid tharapone Quharfor the prouest ballies and counsall bannasis the saidis Margret Clapane this toune indurand thar willis and nocht to cum tharintill in the mein quhill vnder the pane of bannasing for all the dayes of hir lyff and till remouf within xxiiij houris vnder the said pane.

Aganis bying of wyld foule.—The quhilk day It was statut and ordanit be the prouest ballies and counsall of this tovne that na maner of persone man nor woman duelland within this toune by fra ony strangearis priuatlie or oppinlie to sell or regrat agane ony maner of wyld foule or tayme vnder the pane of bannasing of the tovne and eschaite of thar stufe that beys fundin with thame nochtwithstanding William Cawder has contempnantlie brokin the said statutis and coft certane plueris and vther wild meit incontrare the said statutis quharfor the saidis prouest and ballies banisis the said William this toune enduring thar willis and nocht to cum tharintill vnder the pane of bannasing for all the dayes of his lyff and till remouf within xxiiij houris.

Jonet Brone banist for euer.—Jonet Brone for hir demeritis is bannist this toune for all the dayes of hir lyf and neuer to cum tharintill vnder the pane of deid and to remouf incontinent vnder the said pane.

Relaxatione Agnes Turnour.—The quhilk day in presens of the prouest Robert Henrysone is becuming souirte for Agnis Turnour that scho sall obserf and keip the statuttis of the toune and at scho sall by na aittis to tap nor regrat agane till our Souerane Lordis liegis in tyme to cum efter the forme of the said statuttis vnder the pane of xx li.

xv Octobris Anno Domini 1^{co} V^c xxix.

Agnes Turnour Alison Home Janet Bell Male Personne and Cristan Reynaldsone bannist.—The quhilk day forsamekle as it wes statut and ordanit be the prouest ballies and counsall that na maner of personis man nor woman suld by aittis or hay to sell and regrait agane to the Kingis liegis bot allanerlye stabillaris vnder the payne of eschaet of the stuff and bannasing of the tovne as the statuttis maid tharapone proportis quhilkis war opinly proclamit at the merket corse Neuertheles Agnes Turnour Alisone Home Jonet Bell Male Peirsonne and Cristane Reynaldsone has contempnandlie brokin the said statuttis and coft corn and aittis in greit to regrait agane Quharfor the saidis provest ballies and counsall bannesis the saidis Agnes Turnour Alisone Home Jonet Bell Male Peirsonne and Cristane Reynaldsone this tovne Indurand the provest ballies and counsallis will and nocht to cum in the tovne in the meyntyme vnder the payne of bannasing for euer quhill thai obtene licens and to devoyd within xxiiij houris.

Gelis Murray and Christiane Blacater spanit fra bying of aittis.—The quhilk day the provest ballies and counsall ordanis that Gelis Murray and Cristiane Blacater decist and ceisse fra all maner of bying or selling of aittis or halding of stabillis to regrait the samyne in tyme to cum bot

spanis thame fra the said occupatione for all the dayis of thar lyf vnder the pain of bannasyng.

Allane Blair convict.—The quhilk day Forsamekle as it was statute and ordainit that na persone suld cum furth of Sanct Androis nor na vther suspect placis to this tovne vnder the pain of deid Nochtwithstanding Alane Blair has contempnandly dissobeyit the samyne and cummyn to this toune furth of the said toune of Sanct Androis and has incurrit the said panis Quharfor the provest ballies and counsall has dispensit with his lyf and has bannist him this toune for all the dayis of his lyf and nocht to cum within the samyne in the meyntyme vnder the pain of deid.

xvij Octobris Anno x.rix.

Anent the Pestelens.—It is statut and ordanit Forsamekill as the prouest ballies and counsall of this tovne ar suirlic advertiste that the pestelens is spred in diuerse tonis and pairtis beyond the Wattir quharthrow it is gret dangeir to resaif ony personis duelland in ony pairtis beyond the wattir of Fortht That tharfor We command and charge in our Souerane Lordis behalf the prouest ballies and counsall of this toune that na maner of parsons duelland beyond the said wattir bring ony merchandice or repair within this burgh nor that nane maner of parsons duelland in this toune resset ony sik personis or thar gudis vnder the pane of pvnisone of thar personis and bannysing of this tovne for euer Certifying all thame of Dunde Sanct Johnstoune Cowper and all vther the tovnis of the northt syde that we will nocht that thai cum to this nixt fair of Hellomess nor that thai bruk the fredome tharof for this yeir excepad always the fair of nolt and scheip.

Relaxatione Margret Clapane.—The quhilk day Forsamekill as Mar-

gret Clapane was banist this toune of befor for the breking of the statutis in the bying of fische to regrait agane and remanit furtht of the toune at the tounis wyll quharfor the prouest ballies and counsall relaxsis the said Margret and admittis her till cum till hir awand house within this toune and scho obleisis hir to obsarf and keip the statutis of the toune and nocht to fail tharintill wnder the pane of bannasing for euer.

Oblis Besse Peny.—The quhilk day Besse Penne oblissis hir neuer to by buttir nor cheise nor othir stuff to regrait agane in tyme to cum and to obserf and keip the statutis of the tovne wnder the pane of bannasing for euer.

xxi Octobris Anno domini I^{co} V^c xxix.

Relaxatione Alisone Home.—The quhilk day in presens of the prouest and ballies Thomas Schort is becuming sourte for Alisone Home his moder that scho sall keip the statutis of the toune and nocht to by aittis to sell agane wnder the pane of xx li^ß quharfor scho wes relaxt till the fredome of this toune efter scho wes bennest the samyne for breking of the said statutis.

Relaxatione Gilbert Skeillis wife.—The quhilk day in presens of the prouest Gilbert Skeill is becummyn sourte and cautione for his wif that scho sall obey and vnderly the statutis of the toune and nocht to intromet nor by aittis nor hay till sell and regrait agane to the Kingis lieges wnder the payne of xx li^ß Quharfor the said Gilbertis wif was relaxit agane to the fredom of the toune as scho was obefor or scho was bannist the samyn for the brekin of the saidis statutis.

Curia vicecomitatus burgi de Edinburgh tenta coram balliuis ejusdem In pretorio dicti burgi .xx^{mo} Octobris Anno I^{co} V^c .xxi^o.

ASSISA.

Johne Henrisone	George Bird	Williame Richmond
Robert Cuming	David Lausone	Roule Donaldsone
Henry Russaule	Robert Henrisone	George Crag
George Yettis	Henry Heriot	

Johne Dougall indytit and accusit for the airt and pairt of the thiftuis steling and conceling fra Walter Scot furth of his maling in the Dene in harvist at last wes of xxij schavis of bere for the quhilk cause he was bannist this tovne induring the provest and ballies will and nocht to cum tharintill quhill he optene licence vnder the pane of bannesing for euer quit of the twa stowkis of aitis quhar thai war standand on the felde and for the thifte fra the said Waltir of ane stouk of peise and ane vther of aitis and for the thift fra Thome Home and his nichtbouris of ane boll of beir and for the thift of ane furlot of aitis quhilk was dicht in Riche Persone barne.

The quhilk day forsamekle as Cristane Reynaldsone was bannist the toune for bying and regratione of aittis and breking of the statutis of the toune And now the provest and ballies movit of pite haue relaxit the said Cristiane to the fredome of the toune and William Elphinstone is becummyn souirte and cautione that scho sall obserf and keip the statutis and nocht to fall in tyme to cum vnder the pane of xx^{ti} lib.

Mettis and messouris to sell aittis or meill.—It is statute and ordanit be the provest ballies and counsall that na maner of personis stabillaris

and sellaris of meill man or woman within this burgh tap or sell aittis or meill bot with ane sufficient lele mesour pek and ferlot and at the samyn be brynt with the commoun merkyn irne of the toune vnder the payne of breking of the lyme and ane vnlaw of viij s for the first falt and the secund falt spanyng and at thai cum to the tolbutth with thar pekkis and furlottis to merk the samyn.

The market for aittis and horse corn.—It is statute and ordanit be the prouest ballies and counsall that in tyme to cum thar be ane dalie market of aittis haldin apone the hill vnder the wall fornent Alexander Andersonis land And tharfor chargis that na stabillar nor vther tak apone hand till by aittis quhill thai be present and sett downe in the said market vnder the pain of ane vnlaw to be tane of thaim that dois in the contrar but faouris And all personis that bringis ony aittis to this toune to sell that thai present and sell the samyn in the said merket and nane vther place within this toune.

xxiiij^o die mensis Octobris Anno I^{co} V^c xxi^o.

Relaxatione Male Peirsonæ.—The quhilk day in presens of the prouest baillie Mongo Tennent and counsalle James Cadder seruitour till our Souerane Lord is becumming sourte for Male Peirsonæ that scho sall obserue and kep the statutis in tyme to cum that scho sall nocht by aittis or hay till regrait the samyn till our Souerane Lordis legis efter the forme of the statutis maid tharapone vnder the pane of x li quharfor the said Provest ballie and counsall relaxis hir fra the said bannessing and admittis hir till hir preuilege and to cum till hir avne house as abefore.

Seiknes of Pestilens.—The quhilk day Forsamekle as this contagious seiknes of pestilens is spred in sindry pairtis beyond the watter and

diuerse personis men women and boys reparis and ar ressett within this toune to the greit apper and perell and scaith Quharfor We charge straitlie and commandis in our souerane Lord the Kingis naim provest and ballies of this burghle that na maner of person man nor woman induellar of this toune tak apone hand to house harbery or ressett ony maner of personis within thar houssis quhat pairt that euer thai cum fra bot at thai cum and revele the samyn to the officiaris of the tovne vnder the pain of bannasing of the samyn.

Spaneing William Bartovne.—The quhilk day fforsamekle as it wes clerlie vnderstand that William Bartone had brokin the statutis of the toune byand wyld foulis till regrait agane to the Kingis liegis Quharfor the Prouest ballies and counsall dischargis the said William and spanis him his wyf and seruandis fra all maner of selling of wyld foulis or tayme cvnyngis or vther syk lyk stuff in tyme to cum and at he vse na syk selling vnder the pane of bannasing for euer.

Command the officiaris till bring the pekis to burne.—The quhilk day the prouest and ballies ordanis the officiaris till pas ilk ane of thame throw thar awin quarter and charge all parsonis that usis mettis pek forlot that thai bring thar mettis to the tolbutht the morne tilbe brynt vnder the pane of breking of thar messouris and ane wnlaw tilbe tane of thame that falis.

James Foster	Alisone Yong	Anne Yeid	Jonot Smyth
Jane Reid	Wm Andersone	Male Maluf	Margret Cwnyghame
Besse Kar	Dem Coieeren	Dem Wilk	

Spaning meill sellaris.—The prouest ballies and counsall commandis and chargis that nane of thir parsonis abone writtin by ony maner of meill in tyme to cum in the markat nothir efter none no forrow none

nor na tyme of the day nor nycht to regrait agane vnder the pane of bannasing of the toune for yeir and day but fawouris.

Margeret Scheid als Jamiesone	}	ar banist this tovne for thar demeri-
Johne Coppair alias Morson		teis and nocht to cum heirintill vnder
	}	the pane of burning of thar cheikis
		and bannasing thame for euer.

xij Nouembris Anno domini I^o V^c xxix.

Statute anent the regratouris of fische.—The quhilk day the Provest ballies and Counsall statutis and ordanis that na maner of regratour of fysche man nor woman by ony fische to sell agane apone Wednesday quhill efter none And dischargis thame of ony bying of fysche apone Fryday notlir forow none nor efter nor yit apone Satterday quhill efter none under the pane of bannasing And at nane of the said regratouris sell thar hering nor fische neir the outlandis men that bringis the fische to the toune bot on the tothir syde of the gait fornent And at the said regratouris be nocht fund in the merket amangis byaris and sellaris vnder the panis forsaid.

David Cristeson banist.—Dauid Cristeson is banist this tovne because he is ane young stark fallow and beggis and will nocht wirk for his leving.

Richman that singis with the las banist.—The quhilk day Richman that singis with the las and beggis throu the toune is banist this toune because he is ane sterk young fallow and will nocht werk under the pane of burning of his cheik.

Jonet Heriot.—Jonet Heriot is ordanit be the prouest ballies and

counsall till decis and ces fra all baging in tyme to cum bot that scho werk for hir leving vnder the pane of banasing.

xxiiij Novembris Anno domini I^{co} V^o .xxix^o.

Anne Broune.—The quhilk day the Provest ballies and counsall dischargis Anne Broune that scho cum nocht in the meill market nor meill tharintill in tyme to cum vnder the payne of bannasing of the toune.

Andro Gibson banist.—The quhilk day the Provest ballies and Counsall has bannist Andro Gibson this tovne for euer for his bying of the Kingis money apone ane hyear pryse na it is strykin for and selling and regrating agane of the samyn rasing the derth of money.

Pate Lorne and his wif dischargit.—The quhilk day Pate Lorne and his wif is dischargit be the provest ballies and counsall fra all maner of bying or selling of buttir fresche or salt in tyme to cum vnder the payne of bannasing of the tovne.

Anent bringing aill from Leith.—It is statute and ordanit be the prouest ballies and counsall that na maner of persone induellar within this burgh man nor woman bring ony aill furth of Leith till tap sell or drink in thar houssis fra Monunday furth nixt tocum quhill twa mone-this be gane tharefter vnder the pain of eschaet of the aill that cummys in the contrar but fauouris.

Luk Jameson banist.—The quhilk day Forsamekill as Luk Jamesone has brokin the statutis of the tovne in bying of herring in the merkat to sell and regrait agane ffor the quhilk cause he is banist this toune induring the tounis will.

David Scot banist for yeir and day.—The quhilk day David Scot is banist this tovne for his demeriteis for yeir and day and breking of the statutis and nocht to cum tharintill quhill he optent lycense.

William Lyndesay souirte for Issobell Merarche.—The quhilk day ffor-samekill as it is vnderstand be the provest that Issobell Marrohe has brokin the statutis of the toune in bying of aittis and selling of thame agane in contrar the said statutis for the quhilk scho hes incurit the panis of bannasing of the tovne nochtwithstanding because it wes the first falt the prouest has dispensit with hir at this tyme and has tane William Lyndesay souirte that scho sall keip the statutis of the toune in tyme to cum vnder the pane of x li but fauoris.

Statuta pro Infirmirate.—The quhilk day ffor-samekill as it wes vnderstand that the seiknes of pestilens is richt vehement and perseweris still in Sanctandris and the spredin tharof was maist be conuersatione of nichtbouris trastand it had bene the het seiknes and in defalt that the personis that war infekkit wald nocht releif the samyn Quharfor We charge stratlie and commandis in our Souerane Lord the Kingis name Provest ballies of this burgh that all maner of persones within this burgh that has ony persone man woman or barne seik within thar housis that thai hold thame be tharsel and rewel the samyne to the prouest and officiaris of the tovne vnder the pane of bannasing of thame the toune for euer.

David Scot banist for all the dayes of his lyf.—The quhilk day ffor-samekill as David Scot benest twyse off befor for breking of the statutis of the toune and contemple disobait the samyn and come within the toune without licens for the quhilk cause he wes curgit and he is new banist for all the dayes of his lyf and nocht to cum tharin in the meyn-tyme vnder the pane of deid.

Robert Andersone curgit and banist for euer.—The quhilk day Forsamekill as Robert Andersone grantit with his awin confessione that he staw x s̄ fra Andro Lausone fleschour for the quhilk cause he was curgit and banist this toune for all the dayes of his lyf and nocht to cum tharintill in the meynetyme under the pane of deid.

That nane pas beyond the water of Forth without licence.—The quhilk day the Prouest ballies and counsall statutis and ordanis in our Souerane lord the Kingis name and tharis that na maner of persone induellar of this burgh pas beyond the watter of Forthe without special licence of the prouest vnder the pane of bannasing for yeir and day And als that na maner of persone Iduellar within this burgh nor utheris by ony maner of clath wou nor lyning nor yarne wther siklik stuk beyond the watter of Forthe to bring to this tovne vnder the said pane of bannasing And inlykwyse that na maner of persone man nor woman duelland within this burgh resset house nor harbery onymaner of persone duelland beyond the watter of Forthe without leif of the Prouest of the toune vnder the said pane of bannasing.

xv Decembris.

Statuta anent the Huxtouris.—The quhilk day the Prouest ballies and counsall statutis and ordanis that na maner of wxtar man nor woman within this burgh tap nor sell buttir nor sches nor eggis in thar housis nor vthout fra this tyme furth bot thai that cummis to the prouest and gettis leif fra him tharto and to find souerte that thai sall keip the statutis of the toune in tyme to cum vnder the pane of bannasing.

Baxtaris.—The quhilk day the Provest ballies and counsall statutis and ordanis that the lang fage of queheat breid sauld be unfriemen on the merket dais be guid and sufficient stuf weil bakin and dryit and at thai

keip the wecht and pais of the ij ð laif and iiij penny laif of quheit breid of the wecht of Leith And als ordanis that the fowattis of Mussilburgh and vtheris sould be unfriemen apone the merket dayis be weil bakin and dryit gude and sufficient stuf and at thai keip the pais of the ij ð laif and iii ð laif of quheit breid of the wecht of Leith under the pane of eschaet of the samyne And at na hukstar sell nor tap ony of the saidis fagis nor fowattis within thar housis in tyme to cum under the said payne And als ordanis that quhat persone that baikis ony aitt laiffis that thai be gude stuff and fresche and at the penny laif tharof wey the penny laif wecht and thrid part wecht of quheit breid vnder the said pane And at the dekin and masteris of the baxtaris tak Thome Arnot officiar or ony uthir officiar thai pleise with thaim dalie quhane thai lyk to put this act till executione.

xxij^o Decembris Anno V^c xxix^o.

Plegis of the wxtaris.—The quhilk day in presens of the Prouest Johne M^cGichane is becuming souertie his land and guidis that he sall obserue and keip the statut maid apone wxtaris anent the bying and selling of buttir cheise and eggis and all vther sicklik stuf efter the forme of the said statut and nocht to falze tharintill vnder the pane of xx ð.

The samyn day Mastir Thomas Marjoribank is becuming inlikwise souertie for Besse Yallowleys that scho sall obserue and keip the said statut in all thingis efter the forme of the samyn vnder the pane of xx ð.

xv Decembris Anno Domini I^{co} V^c xxix^o.

The desyre of Thome Mercleys.—The quhilk day the Prouest ballies and counsall has considerit the desyre of Thome Mureleis till cum in to his awin house of the Mure with his self wyf and barnis and guddis

unclengeit The prouest ballies and counsall has consentit tharto he beand oblist apone his lyf heretage and gudis that na scaith nor infectione sall cum within his house nor throw the unclengeing of his gudis in tyme to cum and to remane be himself xv dayis efter his hame cummyn.

Statute of the aill.—The quhilk day It is statute and ordanit Forsamekill as the provest ballies and counsall of this toune ar aduertist that the statutis of the aill is nocht kepit bot the samyn sauld for xx d and ij s the gallone quharfor We command and charge in our Souerane Lord the Kingis name prouest and ballies of this burgh that na maner of persone tap nor sell ony derrar aill fra this hour furth na for xvj d the gallone according to the first statute maid therapone sertifying thaim that the prouest will pas with the ballies in propir persone and quhar he findis ony breking of the said statute thai salbe spanit and put fra ony brewing or tapping of aill quhill the nixt terme of Michaelmes and banist the toune gif thai failye.

xj die mensis Februarii Anno Domini I^{co} V^c xxix^o.

Statuta pro Infirmirate.—We do yow to wit Forsamekle as the nychtbouris of Sanct Androis ar reparand to thar toune and yit pairt of the houssis infekit in the samyn quharthrow mair dangeir apperis now in the spreing in the yeir than in the sesion of winter Quharfor We charge yow straitlie and commandis in our Souerane Lord the Kingis name provest and ballies of this burgh that na maner of persone induel- lar within this burgh house nor harbery ony persone of Sanct Andros within thar housis under the pane of deid And als chargis that na maner of persone man nor woman within this burgh repar to Sanct Andros nor intromet with ony persone of Sanct Andross vnder the said pane And als that nan of Sanct Andros cum to this vnder the said pane.

xv die mensis Februarii Anno Domini I^{co} V^c xxxi^o

Banist induring the townis will.—We do yow to wit Forsamekill as Johne Geichane and Done Patersone has brokin the statutis of the toune in the bying of butter in the gret in the merkat to regrait agane till our Souerane Lordis legis before the hour lymit tharto Quharfor the prouest ballies and counsall has bannist the said Johne and Done this toune induring thar willis and to dewoid within xxiiij houris.

Katryne Wrycht banist induring the townis will.—The quhilk day Forsamekill as Katryne Wrycht hes resset now laitlie certane stollin taffetiis stollin fra Edwart Kyncaid be Thomas Broune now justyfijt for that sam and vther stoll geir committit be him Quharfor the prouest ballies and counsall banisis the said Katryne this toune and the fredome tharof induring thar willis.

xxj Februarii Anno Domini I^{co} V^c xxxi^o

Banist for euer.—Margaret Borthik is bannist this for commone pikere and vther hir demeritis for all the dayes of hir lyf and nocht to cum tharintill in the meyne quhill vnder the pane of deid.

Thir ar the namis of the broustaris in Edwart Kyncaidis quarter the ballie of the south est part of the toune quhilk has oblist thame till keip the statutis and sell na darrar aill na the statut ordanis vnder the pane of bannasing of the tovne In the first

Kate Hutoune Male Kerse Kate Gibsone Issobell Lang Margret Drummond Deme Seytoun Male Karse Marione Spense Mege Thome

Besse Derumpill Dem Siluer vnder the pane of x lib Robert Symsonc
for his madyn vnder the pane of x lib but fauouris.

*Curia vicecomitatus burgi de Edinburgh tenta coram pre-
posito et balliuis decimo octauo die mensis Februarii
Anno domini I^{co} V^c xxix^o.*

ASSISA.

James Hill	Johne Tennet	Johne Scot
Johne Hay	Henry Gow	Arche Steuart.
Johne Cranstovne	Johne Smyth	Henry Tollous
William Wilkye	Johne Young	
Thomas Schor	Johne Crowane	

Margret Cok banist for euer.—Margret Cok convict be ane assise for
the breking of the Kingis proclamatiōne and statutis of the toune maid
apone the contagious seiknes of pestilence in the cuming furth of Sanct
Androiss with geir quhillk wes infekit with the said seiknes quhar scho
wes continulie this quarter of this yeir bygane And als for the thiftuis
resset of ane kirtill quhillk was stolling furth of Sanders Spensis house
ffor the quhillk caussis scho wes adiugit to be birnt of bayth the chekis
and hir claiis to be birnt and her self bannist the toune for all the dayes
of hir lyf and nocht to cum tharintill in the meynquhill vnder the pane
of deid.

xx Februarii Anno Domini I^{co} V^c xxix.

Statuta pro infirmitate.—We do yow to wit Forsamekill that ther is now
ane fair to be hald on that vther syd of the watter that is to say in Sanct
Manounis quhar that repair of infekit personis is habil to repair with
infekit geir Quharfor We command and charge in our Souerane Lord

the Kingis name prouest and ballies of this burgh that na maner of persone inhabytant of this toune or within Leith or vther placis adiacent repair to the said fair or by ony geir ther to be brocht to this toune to be sauld vnder the pane of bannasing this toune for yeir and day and escheit of the geir thai bring to this toune to be sauld and forther punising of ther personis.

xxvj Februarii Anno Domini I^{co} V^o xxix.

Statuta of the Aill.—It is statute and ordanit be the prouest ballies and counsall that all maner of brouster dry tapstar and vtheris duelland within this toune quhilk ar delaittit for the breking of the statutis of the samyn that in tyme to cum thai and ilk ane of them obserue and keip the said statutis of the toune maid tharapone vnder the pane of xl s̄ fra this hour furth and find souirte tharapone and thai that can nocht fynd the said souerte that thai be actit in the common bukis to obserue and keip the said statutis vnder the pane of bannasing.

Jok Thomsone and Johne Broune banist	{	vagaboundis haffand na master nor craft til wait apone ar banist this toune for thar demeritis and nocht to cum tharintill but licence vnder the pane of bannasing for all the dais of thar liffis.
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Ultimo Februarii Anno Domini I^{co} V^o xxix^o.

Statut the meill merkat.—We do yow to wit Forsamekill as it is vnderstand that wesland cadgearis and wtland men byis the meill in gret and turses the samyn out of this toune throw the quhilk the derth of vittallis is abill to ryse Quharfor We charge straitlie and commandis that na syk

vlandis men nor cadgearis by ony meill in the market to turse out of the toune in gret vnder the pane of escheit of the samyn quhareuer it can be apprehendit.

Curia burgi de Edinburgh tenta coram preposito et balliuis ejusdem in pretorio dicti burgi primo die mensis Aprilis Anno Domini I^{co} V^o xxx^o

Pate Layng	Johne Bayne	Henry Scot
Johne Cvnyngname	Arche Rowll	Edwart Thomsone
Alexander Forster	Johne Hoip	George Cuthbertsone
Thom Johnestoune	Thom Schort	William Tod
Archibald Donaldsone	James Stevinsone	William Lyndesay

Persons convict for breking of the Statutis.—The quhilk day all the personis vnder writtin ar convict be ane assiss for the breking of the statutis of the toune in the breuing and tapping of xx ð aile and selling of the samyn agane contrar the statutis of the toune maid therapone Quharfor a pairt of thame quhilk fand souerte of befor to obserue and keip the said statutis vnder the pane of xl s̄ and is convict of the new hes fund souerte to obserue and keip the said statutis vnder the pane of v ti and ane vther pairt quhilk wes convict in lykwyse till obserue and keip the said statutis and coutht find na souerte that thai sall obserue and keip the said statutis vnder the pane of spaning fra the operatione and has fe seruitrice that browis apone thar awin awentur and gyfis ane certane of ilk broust to thar hussy that thai obserue and keip the statutis vnder the pane of bannasing of the toune.

Mr Johne Schevin is becumin souerte for Deme Leithame and Deuie Barbouris wyf till obserue the statutis of the toune quhill Michelmes

nixt to cum vnder the pane of payment for ilk ane of the said personis of v fi &c &c.

Johne Andersone kepar of the tolbuith has oblist him till obserue and keip the statutis of the toune in tyme cuming vnder the pane of daling of ane barell of ale till gif utheris exempill till brek the said statutis in tyme cuming.

Secundo Aprilis Anno Domini I^o V^c xxx zeris.

ASSISE.

Johne Mydy	Walter Hay	Archibald Woddail
James Johnstone	William Wilkie	Johne Gray
Archibald Wilson	Johne Tennent	Pate Johne
Andro Symson	Thom Anguss	Pat Wrre
Johne Symmeir	Pat Scot	Andro Mitchell
David Scot	Wille Johnston	George Broune

Souerteis for brousteris.—Robert Glene is becum in souirte for his brouster that scho sall keip the statutis of the toune in tyme to cum quhill Michelmes nixt to cum under the pane of v fi &c &c &c.

xxvi die mensis Aprilis Anno Domini I^o V^c xxx.

The statute anent the Leper folk.—It is statut and ordanit be the prouest ballies and counsall of this burgh that na maner of lipper persone man nor woman fra this tyme furth cum amangis uther cleine personis nor be nocht fund in the kirk fische merket nor flesche merket nor na vther merket within this burgh under the pane of burnyng of ther cheik and bannasing off the toune.

The statute anent the Eggis.—It is statut and ordanit be the prouest ballies and counsall that na maner of hukstar tap nor sell ony eggis fra this tyme furth for the space of ane moneth to cum vnder the pane of bannasing of the toune.

Aganis Regratouris and Hukstaris.—It is statute and ordanit be the prouest ballies and counsall that forsamekill as this greit derth rasit apone our Souerane Lordis legis of all kynd of meit ordanit for sustentatione of man throw inordinat nomer of regratouris and hukstaris That therfor na regratour or hukstar of wyld foulis tame foulis buttir hegis cheise aittis or hey or ony vther stuff be tholit to be within this toune fra Furisday nixt to cum without thai get speciall licence and be admittit be the prouest wnder the pane of bannasing of the toune quhill Michellmes nixt to cum.

Anent Seruandis.—Item that because thar is na seruand woman or nurys that gettis in ane gud manis house throw hir seruice v or vj merkis bot scho will tak ane house of hir awin and be ane broustar or hukstar quharthro the nyctbouris of the toune ar hevelie hurt and the meit and drink rasit darer throw the bying of the samyn at the secund or thrid hand that tharfor na seruand woman pas fra hir seruice and tak ane house without scho be mariit or pas to the bordall except scho haif licence of the prouest for gud rationabill causis vnder the pane of bannasing and that na man set sik lik personis howsis vnder the pane of xl s and to be aplet to the cassa.

Brousteris.—Item that na broster be in this toune tak in hyrgang ony brewing lums bot that scho haif thame of hir awin fre vnder the pane of bannasing.

Ultimo die mensis Aprilis Anno I^{co} V^c xxx^o

Jonet Andersoun.—The quhilk day the prouest and ballies decernis and ordanis Jonet Andersone the spouse of Bell fra this tyme furth that scho say na displesour nor injuriouse language till Thomas Wauhope nor his spouse nother oppinlie nor priuatlie vnder the pane of bannasing of the toune als sone as the samyn beis notorlie knawin.

Quinto die mensis Maij Anno Domini I^{co} V^c xxx^o

Williame Kar.—William Kar oblissis him that he sall nocht be sene into the fische merkat nother byand nor selland fische vnder the pane of cutting of his lug and bannasing of the toune bot gif he haif ane horse of his aune till bring fische to the merket till sell vniuersale as vther strangearis dois till our Souerane Lordis legis.

Memorandum That Margrat Thomsone the spouse of Robert Hog is delatit for ane schitt of grene weluos.

xij Maii Anno Domini I^{co} V^c xxx^o

Brokkaris of woll hyd and skynnis.—The quhilk day the provest ballies and counsall statutis and ordanis and als commandis and chargis that na maner of brokkaris nor forstallaris of woll hydys nor skynnis man nor woman be fund nor sene on the merket day in the place quhar ony woll hyd or skynnis ar to sell nother spekand standand nor command with the sellaris tharof in na tyme to cum vnder the pain of

William Bertoune fined.—The quhilk day ffor samekill as it is cleirlie



kend and vndirstandin be the provest ballies and counsall that William Bertone had oft and diurse tymes brokin the statutis of the toune in the bying and regrating of wild foulis and tayme for the quhilk he wes spanit the occupation therof for all the dais of his lyf under the pain of bannasing of the toune as the actis maid therapone proportis Nochtwithstanding he hes sensyne coft syklyk stuf to regrait quhilk war fund in his house be the provest and officiaris and als the said William had contempnandlie drawyne his knyf till ane Craik at the market corse for his slauchter because he warnit the provest that the said William had coft wyld foulis in the merket With the quhilk faltis the provest ballies and counsall beand riplie auisit decernit and ordanit the said Williame till content and pay for the saidis faltis and crimes the sovme of v lib to be applyit to the kirk werk or commoun werkis of the toune.

xiiiij Maii Anno Domini I^{co} V^c xxx^o.

Adam Robertsonsone is banist this toune for the stelling of ane pot.

xxv Maij Anno Domini I^{co} V^c xxx^o.

Statuta pro Infirmirate.—Forsamekle as thar is sum pairt of the infectione of pestilens rissin within this toune quhilk be the grace of God and gud gouernans may be weill stanchit That tharfor We command and charge in our Souerane Lordis name provest and ballies of this burgh that all maner of personis within the samyn that ony seiknes happinis in thar housis that thai revele the samyn till thar nerest nychtbour incontinent and command thame till schaw the samyn till the officieris of the toune and at thai hald thame self seuerall fra all vther parsonis and tholl nane cum to thaim vnder the pane gif thai be pure folkis of byrning of thar cheikis and bannising of the toune for all the

dayes of ther lyf and neuer to cum therintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame selfis for all the dayes of thar lyffis as said is.

Item that na maner of parsonis man nor woman tak ony clais in wedd fra vtheris or by ony auld claise wou or lynnyn vnder the pane of burning of thar chekis and bannasing of the toune for all the dayes of thar lyffis.

Item that na maner of personis ressett ony personis cummand furth of Sanct Andros or ony insicht or gudis clething claith wou nor lynnyn vnder the pane of deid and at na parsonis of this toune repair thar under the said pane.

Item that na maner of personis that has ony swyne within this toune that thai keip thame in band within thar housis fra this tyme furth With certificatione to thame and ony of ther swyne be fund on the hie gait or in vinellis out of houssis that it salbe lefull till Andro Fentoune officiar of the toune till eschaet the samyn till his awin use.

Item that forsamekle as thar is gret fylth within this toune baith on the hie gait and in closis and als the guttaris of the toune ar full of filith Quharthrow infectioun may spreid and ryse That tharfor euery man and woman dicht and mak clene befor ther durris and closis and clenge away the filith tharfra vnder the pane of punising of thar personis and gudis at the prouest will.

Anent the setting of housis.—It is statute and ordanit be the provest ballies and counsall that na maner of personis man nor woman that has ony land or houssis till set within this toune that thai sett the samyn till sufficient tenentis that ar honest men and laborius personis abill to wyne thar lifing and nocht to sett thar houssis till trumpouris or vagabundis vnder the pane of xl s̄ to be tane fra thaim that dois in the contrar but faouris to be applyit to the commoun werkis of the toune.

Statuta pro Infirmis.—It is statute and ordanit that all maner of personis within this tovne man nor woman that has bene in Gladois house the smyth or ony vther housses that ar now suspect of this contagius seiknes or that hes intromettit with thame ony maner of way othor befor or seynsyne That thai cum and reveile the samyn incontinent to the officiaris of the toune vnder the pane of deid.

Margaret Smyth.—In presens of the ballies in jugment Margairet Smyth of hir avne fre will oblist hir that fra this tyme furth scho sall nocht use na injurious wordis blasfeme nor schame Dene Alexander Creichtane vicar of Sanct Cuthbartis Kirk nothir in word nor deid vnder the pament of x li tilbe gevin till Sanct Gelis werk.

Ament the seruandis that wescheis clais.—We do you to wit Forsamekill that thar is divers seruandis that hes thar masteris and hussis claitthis to the wattir and be the gait takis this womanis coller and that womanis curche and wescheis thame amangis thar maisteris qubarthrou It is vnpossable to keip the toune clene gif sik thingis be usit That therfor na seruandis wemen tak vther claitthis than thar masteris and hussis and thar houshaldis claitthis to wesche vnder the pane of burning of ther cheik and bannasing of the toune and that thar master or hussy pas and convoy ther seruandis or send ane auctentik persone to convoy thame out of the toune for escheuing of sic dangeir vnder the pane of bannasing of the toune for yeir and day.

Issobell Forsyth byrnt and bannist for euer.—We do you to wit that Forsamekill as it was statute and ordanit that all maner of personis quhilk had bene in suspect houssis or intromettit with ony personis suspect and als all maner of personis man nor woman that happinit to be sek suld inlikwise reveile the samyn to the officiaris of the toune Neuertheless Issobell Forsyth that hes standis has intromettit with infekkit

folk and being in ther houssis and nocht reuelt the samyn and als is now infekit sek and wald nocht reuele the samyn quharfor scho salbe briut on the cheik and bannist this toune for all the dayis of hir lyf and to remane on the mure quhill scho be hail vnder the pane of deid.

Quarto Junii Anno xxx°.

Issobell Cattall banist for evir.—The quhilk day Forsamekle as Issobell Cattall the spouse of William Tod has brokin the statutis of the toune haldand hir dochtir seik within hir house thir iij dayes bygaue and wald nocht reweile the samyn to the officiaris of the toune quhill now scho is deid in this contagius seknes Quharfor It is ordanit be the prouest and ballies that hir self be brynt and scho and all hir barnis haunist this toune for all the dayes of thar lyffis vnder the pane of deid And at thai remane still on the muire quhill thai be clengt and nocht to scatter in the cuntre vnder the pane of deid.

xviij Junii.

Helen Adamsonne banist for evir.—Helene Adamsonne for hir demeritis yit as abefor scho is bannist this toune and nocht till cum tharintill in the meyntyne vnder the pane of deid and till remov incontinent.

xxv Junii.

George Mutrich and others to be brynt on the cheik and bannist.—The quhilk day Forsamekle as George Mutrich and Male Mudy his spouse Marioune Suddirland and Alisoune Bird has brokin the statutis of the toune havand a barne seik in thar house thir iij dais bigane in this contagius seiknes and wald nocht reuele the samyn to the officiaris quhill it was deid Quharfor the ballies and counsall ordanis that thai be all brynt

on the cheik And because Marione Suddirland brocht the said seiknes in the house and wald nocht tell the laif scho to be banist all the dais of hir lyf vnder the pane of deid and the laif bannist induring the tounis will.

Primo Julii Anno Domini &c. 1530.

Patrick Gowanlok bannyst.—The quhillk day Forsamekle as it wes cleirlye vnderstandin that Patrik Gowanlok fleschour duelland in the Abbot of Melrosis luying within this toune has had ane woman infekkit with the pestilens thir x dais in his house and revelit nocht the samyn to the officiaris of the toune as was ordanit be the statutis of befor maid therapone and als had ressaut strangearis in his luying he being inclusit obefor and suspicious Tharfor It is diuisit and ordanit be the prouest ballies and counsall that the said Patrik Gowanlok sall tynt all fredome and priuilege of this toune and he and all his successione bannist this toune for euer vnder the pane of dede And at the half of his moveable gudis be applyit to the commoun workis of this toune for his defalt And als that his seruand woman callit Jonet Cowane quhillk is infekkit for hir concealing the said seiknes and passand in pilgrimage scho haiffand the pestilens apone hir that scho salbe brynt on baith the cheikis and bannist this toune for euer vnder the pane of deid And quha that lykis till see justice execute in this mater that thai cum to the Grayfrier port incontinent quhar thai sall se the samyn put till executioun.

Secundo Augusti Anno Domini I^{co} V^c xxx^o.

Maister Adam Otterburne Provest	James Johnstone
Eduard Kincaid } Ballies	Thom Mitchelstone
Symon Prestone }	William Ra
Maister James Lausone	Thom Mireleyis
Nicholl Carncorse Dene of Gild	William Smeithberd
Robert Henrison Thesaurer	George Foulis
William Sym	Johnne Berclay
Johne Purvess	Johne Wauche
William Elphinstoun	

Dauid Duly to be hangit.—The quhilk day Forsamekle as it wes perfytlie vnderstand and kend that Dauid Duly tailyour has haldin his wif seyke in the contagius seiknes of pestilens ij dayis in his house and wald nocht revele the samyn to the officiaris of the toun quhill scho wes deid in the said seiknes And in the meyn tyme the said Dauid past to Sanct Gelis kirk quhilk was Sonday and thair said mess amangis the eleyne pepill his wif beand *in extremis* in the said seiknes doand at was in him till haif infekkit all the toun For the quhilk causis he was adiugit to be hangit on ane gebat befor his awin durr and that wes gevin for dome.

Wille Myllar to be brynt on the cheik.—The quhilk day Forsamekle as it was cleirly vnderstandin that Wille Myllar tailyour has brokin the statutis of the toun puttand a woman furth of his house beand seik in the contagius seiknes of pestilens at his awin hand nocht schawand the samyn to the officiaris of the toun For the quhilk cause he was ordanit to be brynt on the cheik and bannist this toun indurand the provest ballies and counsallis willis.

Duly banist and nocht hangit becaus the raip broke.—The quhilk day forsamekle as Dauld Duly was decernit this day befor none for his demeritis to be hangit on ane gebbat befor his dure quhar he duellis Nochtwithstanding because at the will of God he hes eschapit and the raip brokin and fallin of the gibbat and is ane pure man with small barnis and for pete of him the prouest ballies and counsall bannasis the said Dauld this toune for all the dais of his lyf and nocht to cum tharintill in the meyntyme vnder the pain of deid.

Wille Myllar bannist.—The quhilk day Forsamekle as Wille Myllar was decernit this day befor none to be brynt and bannist this toune for his demeritis And because it is nocht vudirstandin quether he be foule or clein man thro the quhilk he may be handillit and executione of byrnyn maid apone him Tharfor the Prouest ballies and counsall dispensis with the byrnyn of the said William unto the tyme that he be clengit Nochtwithstanding the Provest ballies and counsall bannasit him this toune indurand thar willis And nocht to cum tharintill quhill he optene licens.

3^o Augusti.—*Per prepositum balliuos et consules prescriptos.*

We do yow to wit Forsamekle as thar is mony and sindry nichtbouris of this toune men wyffis and barnis that ar past to landwart till eschew the danger of the seiknes of pestilens And now we ar informit and als greit murmur rissin that the said seiknes brekis and spreddis vtouth the toune in diuerse placis quharthrow greit apperand danger may cum be the saidis personis that ar fled in thar incumynn agane to this toune Quharfor We charge straitlie and commandis in our Souerane Lord the Kingis name provest ballies and counsall of this burgh that nane of the saidis persones that ar past out of the toune in syk kynd return nor cum within the samyn agane vnto the tyme thai byd at the port and aduerteis

the officiaris of thar ineummyn vnder the pane of thame that ar folkis of substane of xx^{li} pundis to be tane of thame and applyit to the pure folkis and commoun werkis of the toune And gif thai be pure and may nocht pay the said vnlaw to be bannisit indurand the townis will.

Anent the maner of clengying of housis that was nocht put to the mure 3^o Augusti Anno xxx^o.

Statuta anent the clengying.—The quhilk day the prouest ballies and counsall hes deuisit statut and ordanit Forsamekle as thar is diuers personis within this toune quhilkis has had infectioun within thar housis and thar selffis vnremouit of the toune to the mure bot clengit and deuidit thameself amangis vther housis quharthrou gude prouisioun suld be maid for the clengying of thar geir reparyng and vsing of thar housis and buthis Quharfor it is diuisit and ordanit That all syk personis that will tak on thame and thar lyffis that thar geir is eleyne That thai sall bring all thar haill houshald wyf barnis and seruandis till thar duelling housis and thar handill all thar gudis and remane with thar geir xv dayis and sa far as possible is that the officiaris of the toune be sekyr that thai handill thar said geir in this maner that is to say that thai stand befor thar durris and se the saidis personis and thar barnis bring thar saidis geir in thar armys and handill the samyn And at the saidis personis mak faith that thai haif na vther geir na thai sehaw to the saidis officiaris And als that thai handill syklyke all the geir being in thar buthis with thar houshald and barnis and outhar remane with thar geir a certane tyme in thar buthis or ellis to bring thar said geir to thar duelling house and thar intromett and handill the samyn as is abone wryttin.

xvij Augusti Anno Domini I^{co} V^o xxx.

Ament the clengging.—The quhilk day it is deuisit and ordanit ament the clengying of all thame that has bene infekkit in this contagious seiknes of pestilens That all maner of personis that has bene on the muire infekkit in the said seiknes or thai that hes bene amangis it and will nocht tak the samyn and has clengit thar geir on the mure be thaimself and nocht sene be the officiaris sua that the officiaris may haf na experiens quhither thar geir be ordourly and perfytly clengit or nocht Tharfor it is ordanit that the ballie of ilk quarter pas and visy all thai personis and thar geir and se that thai be now clengit perfytlie swa that the toune may be sekyr tharof in tyme to cum.

Niniane Johnnesone in Sanct Mary Wynd is clengit and past his way in the contray till wyn his leving at the command of the Provest and hes oblist himself that thar sall na danger cum throw him vnder the pane of deid.

Matho Windiyettis duelland in ane hous at the vuir bow hes oblist him siclike quhilk is clengit.

Penultimo Augusti Anno Domino I^{co} V^o xxx.

Statuta ament the clenging.—The quhilk day It is statut and ordanit that all the personis that ar clengit and has na barnis till tak the sey of thar geir efter the forme of the first actis That the ballie of the quarter tak thai personis and thar geir furth agane to Drummysheuch and clenge all thar geir agane of new And that als weill to the personis that ar ellis withiu the tovne as thai that ar to cum within the samyn And quhar thar is barnis to tak the sey of thar geir till proceid efter the forme of the first act maid tharapone And als quhar thar is ony pure vyle personis duelland within thar quarter that the lard of that land

quhar thai duell sall fynd sourte to the ballies that thai sall remoif at the nixt terme or ellis that the toune salbe skaithles of thame in tyme to cum.

2^o *Septembris.*

Sandi Murray duelland in Murray Robert Boid duelland in Cunyghame ar bannist this toune for thar demeritis vnder the pane of cutting of thar luggis.

Ultimo Septembris Anno Domini I^{co} V^o 1530.

The Statute that landis lardis remoif husseis and vile personis out of thar houssis.—It is statute and ordanit be the prouest ballies and counsall that all maner of personis that hes land or housis within this toune quhar ony husseis vile personis or vagabundis duellis in that wantis husbandis to wyn thar liffig that the saidis personis landis lardis discharge syk husseis and put thame furth of thar houssis within xv dais nixtocum vnder the pain of xl s̄ to be tane of ilk landis lard that falis heirintill And als ordanis the saidis wemen and vagabundis that thai remoif furth of the toune within the said space of xv dais vnder the pain of bannasing of the toune for all the dais of thar lyf And als that all yong fallowis that ar vagabundis remoif thaim out of this toune within x dais vnder the pain of bannasing for euer.

That nane gif woll till card nor spyne.—Item it is statut and ordanit that na maner of persoun within this burgh gif ony woll to card or spyn out of thar awin houssis to na persone bot gif it be till honest wedowis or honest falit personis housbaldaris vnder the pane of xl s̄ to be tane of ilk persoun that giffis furth the said woll but fauouris.

Auent the parsonis that sall brew aill.—Item it is statut and ordanit

that na maner of persone brew nor tap aill within this toune hot fremen or fremennis wiffis wedowis except houest personis that salbe admittit be the prouest and ballies vnder the pane of bannasing of the toune.

Auent Hukstaris.—Item it is statut and ordanit that thar be na hukstar man nor woman tholit within this toune nothir to sell wyld foule tayme foulis butter eggis cheise fische aittis or hay or ony vther stuf fra xv dayis furth nixt to cum except thame that ar admittit be the prouest vnder the pane of bannasing of the toune.

Penes infirmitatem and cuning in Sanct Gelis kirk.—Item it is statut and ordanit that na maner of persone man nor woman that has bene put furth to the mure in this contagiis seiknes and elengit that nane of thame cum within Sanct Gelis kirk amangis the vther cleyne folk quhill thai optene licens of the prouest and ballies of the toune vnder the pane of banasing of the toune.

Statuta penes infirmitatem.—It is statut and ordanit be the prouest ballies and counsall Forsamekle as thar has bene diuerse personis infekkit within this toune with this contagiis seiknes and wald nocht revele the samyn to the prouest and ballies of this burgh in dew tyme efter the forme of the statutis of the tovne maid tharapone and for pite thai war nocht pvnist efter the forme of the saidis statutis Quharfor yit as obefor We command and charge in our Souerane Lord the Kingis name prouest and ballies of this burgh That na maner of personis within the samyn that gif ony seiknes happinnis in thar houssis in tyme to cum that thai reuel the samyn till thar narrest nichtbouris incontinent and command thaim till schaw the samyn till the officiaris of the toune and at thai hald thaim be thameself seuerall fra all vther personis and thoill nane cum to thame vnder the pane gif thai be pure folkis of byrnyng of thar cheikis and bannasing of the toune for all the dayis of thar lyf and neuer

to cum tharintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame self for all the dais of thar lyf And at thai put na seik folkis furth of thar houssis till na vthir place without avyse of the provest ballies and officiaris vnder the saidis panis And als that na maner of personis maister nor seruand pas furth of thar housses fra viij houris at evin furth in the wynter sesoun without bowet or vthir licht to convoy tham vnder the pane of xl s̄ to be takin of the maister als oft as he falyeis and viij s̄ of the seruand And that na maner of persone tak vpon hand to by or tak in wed ony maner of claith nothir lynnyng nor wowne auld or new quhill this seiknes be repressit vnder the pane of byrnyng of thar cheik and bannasing of the toune for euer.

Quarto Octobris Anno Domini I^{co} V^c xxx.

Patrick Gowanlok.—The prouest ballies and counsall remittis and consentis that Patrik Gowanlok cum and duell within this toune as he wes wont till do and admittis him till vse and bruik all fredomes and preuilegis that he had obefor And ordanis that he tak all his gudis furth of the luigeing he duelt in and haif the samyn to the place quhar he purposis to duell in to be handillit and intromittit with be himself barnis and seruandis continuallie efter the forme of the actis of the toune.

Sexto die mensis Octobris Anno Domini I^{co} V^c xxx.

Katryne Heriot to be drownit in the Quarell hollis.—The quhilk day Katryne Heriot is convict be ane assise for the thiftus steling and conseling of twa stekis of bukrum within this tovne and als of commoun theift and als for the bringin of this contagiis seiknes furth of Leith to this toune and brekin of the statutis maid tharapone For the quhilk

causes scho is adiugit to be drounit in the Quarell hollis at the Gray frere port now incontinent and that wes gevin for dome.

Margret Baxter banist.—The quhilk day Margret Baxter put hir in the prouest and ballies will for resetting of Katryne Heriot that comoun thef for the quhilk cause scho is banist this toune for all the dayes of hir lyf induring the prouest and ballies will and till devoid incontinent.

vij Octobris Anno xxx.

Issobell Bowy Kate Boyd Besse Andirsonne bannist.—The quhilk day Forsamekle as Issobell Bowy and Kate Boyd being inclusit within thar houssis for suspitioun of this contagius seiknes oppinnit ane fedder bed and tuke furth of the samyn fedderis to the quantite of half a staine and send thame till Besse Andirsonne to sell doand at wes in thaim till infect the haill toune For the quhilk caus thai ar bannist this toune for all the dais of thar lyf indurand the provestis will.

And syklyk the said Besse Andirsonne for the resetting of the said fedderis is bannist this toune indurand the said provestis will.

Selling of aill.—It is statut and ordanit that na maner of brouster nor dry tapstar within this burgh tap nor sell ony aill fra this tyme furth bot for xvi d the galloune vnder the pane of spanyng fra the operacione for yeir and day.

Anent the Seiknes.—We dow yow to wit Forsamekle as God of his speciall grace has prouidit swa for this gud toune that all danger is past and na apperans of ony infectione nor has bene thir viij dayes past Nochtwithstanding it is thocht verray profitabill that the auld reule be obseruit and kept continually for all the sesioun of this yeir to cum swa that we be nocht dissaut That euery persone quhen ony seiknes

happinnis in thar housis revele the samyn incontinent to the officiaris of the toune according to the auld actis and statutis maid therapone vnder the panis of byrnyng and bannasing of the toune for euer.

Curia Burgi de Edinburgh tenta coram Willelmo Sym et Alexandro Belschis balliuis vicesimo sexto die mensis Octobris Anno Domini I^{co} V^c xxx.

ASSISA.

Johne Grahame	Thom Craufurd	Thom Hunter
James Darroch	William Dalgleiss	James Raa
Robert Cady	Quintin Wauchop	Thom Robisone
Gawane Wallace	Andro Quhite	Pat Layng
Thom Bertrame	Alexander Myll	Johne Wilson

Marione Clerk to be drounit in the Quarell hollis.—Marione Clerk convict be ane assise for the conceling of this contagius seiknes scho haiffand the samyne apone hir rynnand thir x or xij dayes bigane scho past amangis the nychtbouris of this toune to the chapell of Sanct Mary Wynd on Sunday to the mess and to hir sisteris house and vther placis quhar scho lykit the pestylens and seiknes beand apone hir scho doand at was in hir till haif infekit the haill toune For the quhilk cause scho wes adiugit to be had to the quarell hollis and thair to be drounit quhill scho be deid.

x Nouembris Anno Domini I^{co} V^c xxx.

THEIR AR THE SOUTRTEIS of the broustaris that thai sall obserue and keep the statutis of the toune quhill Michelmes nixt to cum on the south est quarter viz fra the Lopyl stane till Lord Borthikis cloiss quhilk William Sym is baillie of.

James Wr souirte for Robert Henrysonis wiff and Gele Hunter that
thai sall obserue and keip the statutis of the toune quhill Michelmes
nixt to cum vnder the pane of xl s̄.

.
IN THE NORTH WEST QUARTER fra Lord Borthikis cloise to the
castill hill quhilk Johne Mauchane is baillie of xij Nouembris
Anno I^m v^c xxx.

James Mathesone souirte for his wiff vnder the pane of xl s̄.

.
THIR AR THE SOUIRTEIS of the broustaris in the north west
quarter fra Alexander Cantis cloise to the Castill hill quhilk
William Adamsone is ballie of.

George Alane souirte for his wiff vnder the pane of xl s̄.

.
THIR AR THE SOUIRTEIS for the broustaris in the north est
quarter fra the Nethir boll to Alexander Cantis cloise quhilk
Alexander Belschis is baillie off xij Nouembris Auno Domini
I^m v^c xxx.

Henry Lorymer is becummyn souirte for his wif vnder the pane
of xl s̄.

.
xv Decembris Anno Domini I^{co} V^c lxx.

Statuta pro Infirmirate.—We do yow to wit that Forsamekle as this
contagius seiknes is rissin and spreid in Leith Quharfor We charge
straitlie and commandis in our Souerane Lord the Kingis name provest
and ballies of this burgh that na maner of personis of Leith that ar
suspect of this contagius seiknes or that hes bene in suspect place cum
or repair to this toune or intromett with ony persone of this toune under

the pane of deid And als chargis that na maner of persone man nor woman of this toune to repair to ony suspect place in Leith and that nane send thar seruandis about malt bot at the principall of the house outhir the wif or the man pas thame self for thar malt vnder the pane of bannasing of this toune for euer And als chargis straitly and commandis that na maner of persone man nor woman tak in wed or by ony claise lynnyn or wollin fra ony of Leith or vther placis vnder the pane of bannasing And that nane seruand woman within this toune tak ony maner of clais to wesche fra ony persone quhen thai pass to the wattr bot thar awin masteris clathis vnder the pane of bannasing of the toune for euer.

Foule folk on the mure.—We do yow to wit Forsamekle as James Barbour master and gouernour of the foule folk on the mure is to be clengit and hes intromettit with sindry folkis gudis and clais quhilkis ar lyand in Sanct Rokis chapell Tharfor all maner of personis that has ony clame to the said gudis that thai cum on Tysday nixt to cum to the officiaris and thar clais to be clengit Certifyand thaim and thai do nocht that all the said clais gif thai be of litill availl salbe brynt and the laif to be gevin to the pure folkis.

Quarto Januarii Anno Domini I^{co} V^c xxx.

The Sourteis of the broustaris that has falit to be poyndit.—The quhilk day the prouest ballies and counsall decernis and ordanis that all the sourteis of the broustaris that has falit and brokin the statutis of the toune sen thai fand the said sourte that the sourteis be poyndit for xl s and that the said poynd be delyuerit to the ballie of the quarter to be kepit be him apone the broustaris gude bering And gif thai keep the statutis and falis nocht the plegis to be deliuerit to thaim agane And quhilk of thaim that brekis to be spanit the occupatione.

The quhilk day the prouest ballies and counsall ordanis Johne Blak-stok as souirte for his wif till deliuer ane plege in the ballies handis of xl s̄ for breking of the statutis of the toune and that his wif forbere in tym to cum and keip the statutis vnder the pain of spanyn fra the operatione.

The quhilk day the prouest ballies and counsall ordanis Patrik Flemyn souirte for his dochtir to be poyndit for xl s̄ because scho brak the statutis and chargis hir that scho brek nocht in tyme to cum vnder the pane of spanyng the operation for yeir and day.

The prouest ballies and counsall ordanis maister Robert Galbraith as souirte for Heline Naper to be poyndit for xl s̄ because scho brak the statutis of the toune and chargis hir that scho brek nocht in tyme to cum vnder the pain of spanyng the operatione for yeir and day.

Selling of Leith aill.—The quhilk day the prouest ballies and counsall ordanis Johne Andersone till decess and cess fra all maner of selling and tapping of ony Leith aill in tyme to cum.

THEIR AR THE NAMIS of the brostaris of this toune in William Symmis quarter viz fra the vplie stane till Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping off xx d ale the gallone sene thai fand thar souirteis abefore.

William Symsonis wyff.

THEIR AR THE NAMES of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes nixt to cum.

Robert Wilsone is becumin souirte for Majory Falconer vnder the pane of xl s̄.

THIR AR THE PERSONIS that hes brokin the statutis of the toune in the bying of Leith aill and selling of the samyn agane for xx d the gallone.

Johne Archibaldis wiff. Thom Stenhouses wiff.

THIR AR THE NAMIS of the broustaris of this toune in Johne Mauchane quarter viz fra the west port till the Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping of xx d ale the gallone sene thai fand ther souirteis of befor.

Johne Brodderstanis wiff. William Cowttis wiff.

THIR AR THE NAMIS of the brostaris that fand na souirte of befor that hes fund souirte now till keep the statutis of the toune quhill Michelmes nixt to cum vnder the pane of xl s̄.

Litill James Johnestone souerte for Sanderis Andersonis wife under the pane of xl s̄.

Septimo die mensis Julii Anno Domini I^{co} V^c xxxi zeiris.

It is statute and ordanit be the prouest ballies and counsall for the eise and commoun weill of our Souerane Lordis liegis and eschewin of expensis in tyme to cum that quhat persone man or woman that is warnit be ane officiar of the toune till compeir befor thame at the instans of ony party and thai compeir nocht the first warnyng at the officiar makis thai personis sall pay ane vnlaw of viij s̄ vnforgevin and the nixt warning salbe with certificatione and thai compeir nocht the Prouest ballies and counsall sall proceid and minister justice to the pairtie complener without ony langer delay in peyne of thar contumatione.

LETTER FROM MR ZACHARY BOYD TO MR
PATRICK LINDSAY ARCHBISHOP OF GLASGOW

XXVIII JAN. M.DC.XXXVII.

LETTER FROM MR ZACHARY BOYD.*

MY VERY HONOURABLE GOOD LORD,

MY humble seruice remembered to your Lordship, it hath pleased God at this time to deliuer me from the graue, wherein most willingly I could have lyen downe as in a bed, if it had pleased my Master Christ to haue said Returne thou Sonne of Adam, as Moses speaketh in the psalme of his Lamentations: but now seeing it hath beene his will yet to fay to me *Pasce oues meas*, it is my part to strue to feede them in the integritie of mine heart; yea and to be carefull that after me the place be so provided that worthie men may be preferred unto it for the well of so good a people which lye heere in a place the most eminent in the west.

* ZACHARY BOYD studied at the University of St Andrews from the year 1603 to 1607, when he took the degree of Master of Arts. He became Minister of the Barony Parish, near Glasgow, in 1623, and frequently held offices in that University. Thus in 1625 he was

It is your Lordships part before God and honour before men to see this done with all haift; for a sudden change of your Lordship remoueing from this feat may come, fo it shall not be called your Lordships doing what shall be done afterward by another; Let me haue an answer to these who after your Lordships remoueing from us shall interrogate and say *Quid boni inter vos egit Archiepiscopus Lindesius?* If it shall please your Lordship at this Session to doe as was commoned, I will stand yet be the bargaine, but if this Session arise I resolute to serue God carefully in my calling, and to keepe still the little portion which I had in your Lordships predecessors time untill God find out a waye for the augmentation

one of the assessors of the Rector; in 1634 and in 1645 he was Rector; and in 1651 and 1652 he was Vice-Chancellor. He was one of the greatest benefactors of the College of Glasgow, having in 1630 given 500 merks towards the restoration of the buildings, and a few years afterwards 4500 merks for the support of three Bursars, and having left in his will, in 1652 and 1653, a very large sum, which, added to former benefactions, amounted in all to about 30,000 merks. In 1637 he doted to the College of Glasgow a valuable collection of books: and in 1648 he assigned 4000 merks to the College for the printing of his works, at the sight of the Faculty. In 1654 he was succeeded by Donald Cargill as Minister of the Barony Parish. Soon after his death, his widow, Margaret Mure, married Mr James Durham, then Minister of the Blackfriars Church, to whom the College found

of that flipend which is now the meanest of all the Presbytrie confidering in what a deare place I dwell, haueing neither glebe nor manse concernit, which also I hope your Lordship will be carefull at this time that they may be designed for that Kirk.

So recommending your Lordship and honourable familie to the mercie and protection of God I humbly take my leaue, and fo restis

Your Lordships

Most humble and obedient Seruant,

M. ZACHARIE BOYD.

From GLASGOWE the 28
of Januar 1637.

it necessary in 1655 to dispone 7000 merks for their life-rent, before any operations for the reparation of the College could be commenced.

The works by which Zachary Boyd is best known are, "The last Battle of the Soule in Death," printed at Edinburgh in 1629, and a translation of the Psalms into English verse, of which four editions were printed at Glasgow prior to 1649. His other metrical writings are still preserved in the Library of the College of Glasgow, and are generally represented to be wretched doggrel. Their demerits, however, have been greatly exaggerated.

The above Letter is printed from the original, preserved in the General Register House.

I tak the boldneffe as to remember heere the most humble seruice I am able to mak to my Lord Chancellor my Lord Hadintoune and my Lord Lauderdaile whom I remembered unto your Lordship *dum essem in faucibus mortis*. So long as I liue you all shall haue a dayly Oratour for your prosperitie.

[*Addressed*]

TO THE RIGHT REUEREND FATHER IN GOD MY
VERY HONOURABLE GOOD LORDE AND PATRON THE
ARCH-BISHOP OF GLASGOWE.

BANDS OF FRIENDSHIP BY SCOTT OF BALWERY,
ORROK OF THAT ILK, AND BOSWELL OF GLAS-
MONT, TO THE LAIRD OF RAITH, ETC.

M.D.IX.—M.D.LVI.

BANDS OF MANRENT, ETC.

1. ANE BAND OF FRINDSHIP AND KYNDNES BY WILYEAM SCOT OF BALWERI KNYCHT TO JHONE MALUYLL OF THE RAITH KNYCHT. 6 FEB. 1509.*

I WILYEAM SCOT of Balweri knycht bindis and oblifis me be the faitht and trewith in my body to ane honorabyll man and my traft eyne Jhon Maluyll of the Raith knycht that forfamekill as the faid Jhon is bwnd to me in the fowme of twa hundreth merkis wfwell mone of the realme lyik as at mayr lintht is contenit in the faid band maid thairapon Nevyrtheles I will that gyve I falye in my part keping of fauor and kyndnes in tym to cum to the faid Jhon that the forfaid obligacion of twa hundreth merkis be of nayn awaill forfe nor effec and be me to be dischargit and adnullit for evyr In wytnes of the quhilk thing I have affixit my feill to this obligatioun wyth the fubfcriptioun of my hand at Edinburght the faxt day of Februer

* These very curious Documents have been printed here by permission of the Earl of Leven and Melville, who obligingly communicated the Originals for that purpose. A facsimile of the beginning and end of the Protection to Kirkcaldy of Grange and Mr Henry Balnaves of Halhill, beautifully written on a fair sheet of Vellum, is given at page 134.

the yeir of God ane thouſand V^c and nyne yeris befor thir wytnes Daid Wemis of that Ilk knycht Jhon Multra of Merkinch Wilyeam Brown of Kowftown Jhon Multra Alexander Scot of Fingafk Jhon Boner of Roffy Wilyeam Kyrcaaldy of the Grange wyth wderis diuerſe.

WILLIAME SCOTTE off Balwery Knycht *manu propria*.

2. BAND OF MANRIE BY YOUNG ORROK TO THE LAIRD OF RAYTH. 2 JAN. 1519.

BE IT KENDE till all men be thir preſent letteris me Robert Orrok ſonne to ane honorable man Jamis Orrok of that Ilk byndis and oblifis me be the faytht in my body to ſtande for all the dayis of my lyeff trowe mane and ferwande to ane honorable mane Jhone Mailuill of the Raytht knycht aganis all owderis the Kingis grace my Lorde Governour my Lorde of Sanctandris now preſent the Abbotis and Conwent of Demfermeling and [focefforis?] exceppit And fall tak his affawld part with my perfoune frendis and ferwandis And atour I fall nocht heyr his ſchayth diſhonour bot I fall aduertife hyme of the famin And I fall gyff hyme my confell in all materis to his weill and honour as to my falff And gyf this manrent be nocht ſufficient It fall be extendit as the ſaid Jhone knycht thenkis expedient and the ſaid Robert in the beſt forme At the Raytht ſubſerivit with my hand the ſecund day of Januar in the yere of God M^o V^c and xix yeris befor thir witnes Wellyem Scheuez Jorge Bawlfowr Wellyem Mailuill with owderis diuerſe.

ROBERT ORROK ſone to wmqubyll James Orrok of that Ilk with my hand.

3. BAND OF MANRIE OF DAUID BOSWELL OF GLASMONT TO
THE LAIRD OF REATH. AUG. 30, 1520.

BE IT KEND tyll all men be thir present letteris me Dauid Boifwell of Glasfmont byndis and oblis me be the faitht and treuth in my body to ane honnorabyll man and my weilbelouit eme Jhone Meiluil of the Raitht knicht that for kyndnes and ald kynreit that hes ben betwyx my forbearis and his in tymis bygane that I fall leillille and trewly tak the saidis schir Jhonis part in all his acciounis and quarellis mowit or to be mowit baitht with my body freindis and gudis contrar all men lewand the Kyngis grace my Lord Gouvernour and my ouer Lord excep and fall gyf hym the best confell I kane and fall keip his confell secreit and auertice hym of his schaitht efter my power and this my band to be obseruit and kept I bynd me as said is subfcryuit with my hand at Balmowto the threty day of Awgust the yeir of God ane thowfand V^c and xx^{ij} yeris befor thir witnes Maister Dauid Meiluill Gylyem Hay and Alexander Orrok of Syllebawbe.

DAUID BOSWELL of Glasfmont with my hand.

4. ANE BAND OF MANRIE BE ALEXANDER OROK OF SILLE-
BABBE TO JOHN MAILUILL OF THE RAITHT KNYCHT. 9 JUL.
1522.

BE IT KEND tyll all men be thir present letteris me Alexander Orok of Syllebabbe grantis me to be bund and oblist and be the faitht and treuth in my body leillille and trewly

to be bund and oblyft to ane honorabill man Jhon Mailuill of the Raitht knycht that I fall tak his afald and trew part in all his acchiounis and querelis contrar all men lewand quhatfumeuer baitht with my perfone gudis and frendis and fall giff him the beft confell I kane and fall keip his confell fecreit and falbe reidy quhenver I am chargit to tak the fadis fchir Jhonis part agane all wderis as faid is excep the Kingis graice my Lord Gouvernour and the Abbotis of Dumfermlyn and the Laird of Balmowto excep and fpefchailli to tak the faid fchir Jhonis part contrar the Lard of Balwery and his bairnis And this I oblis me to keep this faid band and gyf it be nocht fufficient maid I am content that the faid fchir Jhone mak it fycyrrar be the awyce of dyfcreit men fubferiuit with my hand and wnder my feall the ix day of Julij the yeir of God ane M^o V^c xx^{ij} ij yeris befor thir wytnes Maifter Dauid Mailuill the Lard of Kardowne Jhone Aitoun.

ALEX^r ORROK with my hand.

5. LETTER KING JAMES V. TO CERTAIN COMPOSITORS TO SETTLE ANE CAUSE BETUICH THE LAIRD OF RAITH AND JHON MULTRAY OF MARKINCH. 29 JAN. 1533.

REX.

Traift confalouris chofin in the caufe of afyhtment making betuich Jhon Mailuile of Raytht knycht and Jhon Multray of Merkynuche We gret zou wele and prays zou to drefs that mater to ane gude end and fe quhair the occafion of difplefour

hes begun betuix the saidis parteis / and as ge fynd caufe wey the famyn to nothir of ther gret hurtis bot quhair the falt is gretast modefyne als fer conforme therto and that ge failge nocht to mak ane gud end therintyll that thay may apperandly stand in concord estyrwart Subscriuit be ws and under our signet At Cowper the xxix day of Januar and of our ring the xxj yer.

JAMES R.

TO OUR TRAISt COUNSALOURIS COMPOSITOURIS
BETUIX THE LAIRDIS OF RAITH AND SYFEILD.

6. LETTER FROM KING JAMES V. TO THE LAIRD OF REATH,
RELATIVE TO THE MARRIAGE OF HIS SON WITH THE LAIRD
OF LOCHLEVENS SISTER. 3 APR. 1541.

REX.

Raith We ar informit be our Thesaurer and Maister of houthald that the Larde of Lochleven defyris your aldast sonne in mariage to his fyfthyr And as thay haue schawin ws ge wil nocht end with hym without ge know our mynd therintill We ar weill content that ge contract with hym rather nor any otheris And that for diverse causis mowyng ws Tharfor our will Is that ge end the fammyn subscriuit with our hand At our cite of Sanctandros the thryd day of Aprill and of our Ringne the xxvij yer.

JAMES R.

7. PROTECTION BY MARY QUEEN OF SCOTS TO JAMES KIRKCALDY OF GRANGE AND MR HENRY BALNAVES OF HALHILL. PARIS 17 FEB. 1556.

MARIA DEI GRATIA SCOTORUM REGINA Vicecomitibus nostris Edinburgi Stirlingi Fifæ Perthæ

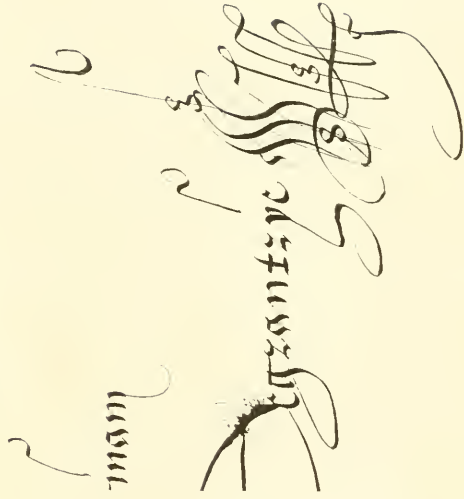
Et eorum deputatis ac vicegerentibus Necnon dilectis nostris Leoni armorum Regi Rossæ Butæ hæraldis

Nunciis Vicecomitibus nostris in hac parte conjunctim et divisim specialiter constitutis salutem Quatenus nos ex speciali gratia et favore nostraque autoritate reginali et rogante ac requirente charissimo patre nostro christianissimo Galliarum rege condonauimus ac remisimus delectis nostris Jacobo Kyrkcaldy a Grange et Magistro Henrico Balnaues a Halhill omnia prodicionis et lesæ majestatis crimina unaque quæuisque alia crimina per eos aut eorum quemuis quouis tempore anteaçto ante datam presentium maxime autem turbulento tempore nostræ minoritatis et infantie facta et commissa eosque in nostram pacem favorem misericordiam et gratiam tamquam nostros fideles et obediens subditos recipimus veluti in nostris remissionis et indulgentiarum literis eisdem desuper datis et concessis fufius ac latius continetur et exprimitur Veruntamen si nos tolerare contingat eos aut eorum quemlibet citari aut in ius vocari coram Judice quouis aut Judicibus spiritualibus aut temporalibus intra fines nostros quouis de crimine antediçto ad instantiam cujusuis partis particularis ciuilliter aut criminaliter veluti nostrarum legum rigor exigit (maxime autem circa ea quæ commiserunt tempore obsidionis

omnibus nr̄is Edmurgi, Stirlingi, fis̄e, perthæ
 p̄.

Nuncijs viccomitibus nr̄is in hac parte comitūclini & diuifim fpecialiter conſtitutis
 donauimus ac tenuiffimus dilectis nr̄is Jacobo Kytealdy a grange & magro Henrico Balnates a bathall
 turbulento tempore nr̄æ minoritatis & infantie facta & commiffa. colq; in nr̄am pacē, fauorē misericordiam

2. abiq; ſpeciali conſentia licentia & mandato nr̄o aut Obſeruiſſime matris nr̄e Mariæ Regine viduar
 re quouis quæſito colore vt ſupradictū eſt ſub om̄i pena & multeta in qua cedere poſſat contra maiēſtatē
 huius nr̄e plenarie & mature deliberationi & voluntati hac in parte. Datum Lutetie pariflorū ſub nr̄is
 uno decimo quinto.



arcis Sanctiandreae) quae nostra est misericordia et gratia magis illis obfuisse quam profuisse videretur favore et gratia veris in odium ac rigorem eadem poena propoſita nocenti atque innoxio dum verſa vice quae in illos grata et miſericors extiteramus atrox et feuera facta videbimur atque fiet ut gratiam et miſericordiam noſtram nullus conſequatur effectus Cum quae ab illis commiſſa et perpetrata ſunt crimina ac illis praecipue imputanda veniunt facta et commiſſa ſunt tempore obſidionis arcis Sanctiandreae dum per noſtram authoritatem et copias illorum vita et ſanguis oppugnabatur et adjuvantibus copiis chariſſimi patris noſtri galliarum regis chriſtianiſſimi armorum vi atque potentia eieci et expugnati ſunt: Itaque quae ab eis commiſſa ſunt crimina atque maleſicia in vitae capitique diſcrimen ne caderent (quae unicuique lege naturae tueri licet) facta et perpetrata cenſentur Nos igitur premiſſorum rationem exacte ponderantes et diverſis aliis rationibus motae praedictos Jacobum Kyrkcaldy a Grange et Magiſtrum Henricum Balnaues a Halhill authoritate noſtra ſupradicta eos et eorum quemlibet ſub noſtra protectione ſaluagardia et deſenſione ſuſcepimus eoſque exemimus et eorum quemlibet tenore praesentium ſuſcipimus et exemimus ab omnibus Iudicibus tam ſpiritualibus quam temporalibus intra terminos regni noſtri quauſcunque de cauſa aut crimine quod illis imputari poterit ante datam praesentium tam civiliter quam criminaliter maxime vero et praecipue a tempore quo praedictam arcem ingreſſi ſunt uſque ad diem conſeſſionis ac datae praesentium / hancque noſtram exemptionem protectionem ſaluagardiam et ſuperfedere volumus inuiolatam ſervari et cuſtodiri pro ſpacio et tempore duorum Annorum proxime et immediate ſequentium datam praesentium Volumus

igitur et friçte præcipiendo mandamus vobis et veſtrum cuiſlibet quatenus viſis præſentibus noſtris literis noſtro nomine et authoritate requiratis imperetis et precipiatis Cancellario noſtro Dominis conſilii et ſeſſionis Juſticiæ Juſticiariæ clerico et advocato noſtro Necnon omnibus aliis Judicibus et officiariis tam ſpiritualibus quam temporalibus generaliter et ſpecialiter intra fines noſtros ne quis illorum præſumat concedere aut dare cedulas aut literas ad inſtantiam cujuſvis perſonæ aut partis conſtitutæ intra terminos regni noſtri contra et adverſus prædictos aut eorum quemvis quaviſcumque de cauſa ac-tione aut crimine factis aut commiſſis per eos aut eorum quemlibet durante tempore præſcripto abſque ſpeciali conſenſu licentia et mandato noſtro aut chariſſimæ matris noſtræ Mariæ Regi-næ viduæ regni noſtri proteçtriciſ gubernatriciſ et vices noſtras in eodem gerentis Quinimo deſinant atque deſiſtant illos quovif-modo citare aut in jus vocare aut contra et adverſus eos pro-cedere quovis quæſito colore ut ſupradiçtum eſt ſub omni pœna et mulçta in quam cedere poſſunt contra majeſtatem noſtram reginalem et authoritatem hac in parte deponendo eos et eorum ſingulos ſuis officiis ea ex parte ſi ipſi aut ipſorum aliqui præſumant aut intendant obſtare et contravenire huic noſtræ plenariæ et mature deliberationi et voluntati hac in parte Datum Lutetiæ Pariſiorum ſub noſtris manuali ſubſcriptione et ſigneto die xvij^o menſis februarii Anno domini milleſimo quingentefimo quinquageſimo ſexto Et regni noſtri Anno decimo quinto.

MARIA

Per Reginam

DEGRANTRYE.

ACTS AND STATUTES OF
THE LAWTING SHERIFF AND JUSTICE COURTS
WITHIN ORKNEY AND ZETLAND.
M.DC.II—M.DC.XLIV.

ORKNEY AND ZETLAND.

THE early history of the Orkney and Zetland Islands is involved in darkness. Whether, at a remote period, either district had been subject to the Crown of Scotland, seems very doubtful; but it is certain that in the year 1266, both groups of islands were acknowledged to belong to the Kingdom of Norway.

In 1266, a treaty was entered into between Alexander III. of Scotland, and Magnus IV. King of Norway, by which the Isle of Man, and the other islands on the coast of Scotland, were ceded to the Scottish Monarch, but the Orkney and Zetland Islands were expressly reserved by the King of Norway, "*exceptis Insulis Oreadie et Yhetlandie quas idem Rex Norwagie cum dominiis homagiis et redditibus serviciis et omnibus jurebus et pertinenciis suis infra easdem contingentibus dominio suo specialiter reservavit.*"* This treaty was subsequently confirmed by Robert Bruce, and Haco V. King of Norway, on the 19th of October 1312.†

* Torf. Hist. Norweg. Vol. IV. Par. IV., lib. 6. cap. 3. Fordun, Ed. T. Hearne, p. 1353-5.

† Acts of the Parliaments of Scotland, Vol. I. p. 101.

From their vicinity to Scotland, however, as well as from the shelter which they afforded to Pirates, and other depredators who molested the adjoining coasts, these islands must always have formed a desirable acquisition for the Scottish Monarchs; and the attainment of this object was probably accelerated by the circumstance of the ancient Norwegian Earldom of Orkney having come to be vested in the noble Scottish family of St. Clair.

Accordingly, it appears that in 1460, when an attempt was made to arrange the disputes which had arisen between the Crowns of Norway and Scotland regarding the arrears of the "Annual of Norway," and which had been referred to the arbitration of Charles VII. King of France, on a suggestion by that Monarch, that the differences of the parties should be settled by the marriage of the Prince of Scotland with the daughter of the King of Norway, one of the first terms proposed by the Scottish Ambassadors was, that the Orkney and Zetland Islands should be given up to the King of Scotland,—"*concederetur Regi Scotiæ omne jus in Hialtlandiam et Orcades.*"*

At length, in 1468, on the marriage of James III. with the Princess Margaret, daughter of Christian, King of Denmark and Norway, a transaction took place, in consequence of which the Orkney and Zetland Islands came ultimately to be transferred to the Crown of Scotland. It would seem that the Estates of Parliament, having thought it expedient that the marriage of the youthful Sovereign should no longer be

* Torf. Orcad. Lib. II. ad Ann. 1460.

delayed, had resolved “to send ane ambassate in all gudely hast in Denmark and uthir places sene spedeful, with full commission to advise and conclude uppon the mariage of our Sovereign Lord, in gude and gaynand place, with a convenient person of nobile blude, and to have full power to mary and bring hame a Quene.”* An alliance with Denmark being chiefly desired, (as is plain from the terms of the resolution of Parliament,) the matrimonial Ambassadors proceeded at once to Copenhagen, where they appear to have conducted themselves with great prudence and discretion. One great object was, if possible, to obtain the cession of Orkney and Zetland; it would seem, however, that the Danish Sovereign had hesitated in at once parting with these islands, but he agreed to pledge them in security of a large part of the stipulated marriage portion. This proposal was acceded to by the Scottish Ambassadors; but when, or in what manner, the right of redemption came afterwards to be foreclosed, and the dominion of the Orkney and Zetland Islands transferred to this country, is a matter involved in much obscurity. This, however, is certain, that from that period they have remained attached to the Crown of Scotland. †

* Acts of the Parliaments of Scotland, Vol. II. p. 90. It is a singular circumstance, but which indicates the connection that then subsisted between Scotland and the Orkneys, that the Bishop of Orkney was one of the ambassadors on the part of Scotland to the Court of Denmark.

† Whatever may have been in the contemplation of the King of Denmark, as to subsequently redeeming Orkney and Zetland, it seems very evident that the Scottish Monarch had no intention of speedily parting with this newly acquired territory, and lost no time in endeavouring to incorporate it with the rest of his dominions. James III. was married to Margaret of Denmark on the 10th of July 1469, and on

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During the period that Orkney and Zetland were subject to Norway, there is no doubt that, like its other dependencies, they were governed by the laws of that kingdom. It appears that there was a regular digest, known by the name of the "BUIK OF THE LAW," and which formed the ruling authority in the Courts of Justice.* That this code was similar to that of Norway, (modified, perhaps, by some local usages suited to the particular nature of the district,) seems certain, from various documents still extant, which shew that the tenures of land, the rights of succession and inheritance, the modes of transferring property, and the forms of judicial procedure, were nearly, if not entirely, identical with those of the dominant kingdom.

When the islands were transferred to Scotland, it appears to have been understood that their former laws and usages were to be preserved. There is, indeed, no stipulation to that effect in the Treaty 1468, as has erroneously been supposed; but the nature of the transaction would itself seem to imply, that so long, at least, as the right of redemption

the 21st of November of that year, the Bishop of Orkney appears as a constituent member of the Parliament of Scotland. On the 11th of May 1471, an Act of Parliament was passed to ratify a prior contract of excambion, entered into by the King and William Earl of Orkney and Caithness, by which the Castle of Ravynnisrag, and certain lands belonging to the Crown, were exchanged with the Earl for the Earldom of Orkney, "*pro jure suo Comitatus Orknaie*;" and on the 20th February thereafter, the Earldom of Orkney, and Lordship of Zetland, are "annext to ye Croune, nocht to be gevin away in tym to cum, except allanerly till ane ye Kings sonis of lachfull bed;" and on 31st March 1486, the Town of Kirkwall was erected into a Royal Burgh, with power to elect a Commissioner to Parliament.

* Torf. Orcad. ad Ann. 1423. Reg. Secr. Con. Feb. 9. 1575. Reg. Sheriff Court of Orkney and Zetland, August 23, 1602.

subsisted, the laws and usages of the district should continue unchanged.

The ancient Provincial Assembly, called the *LAWTING*, appears to have existed from an early period in both districts. It would be out of place at present to enter into any lengthened discussion as to the peculiar constitution and authority of this Assembly, which was presided over by the principal local magistrate, and unquestionably possessed considerable powers both of a judicial and legislative description.

The judicial powers of the *LAWTING*, both civil and criminal, seem to have been extensive; in the former, acting as a Court of Original Jurisdiction, for deciding all cases of importance, and as a Court of Appeal, for reviewing the judgments of subordinate magistrates in questions of a minor description. The criminal jurisdiction of this Assembly extended to cases involving the punishment of death.

The legislative powers of the *LAWTING* were apparently of a more limited nature. It appears not to have possessed the power of altering any of the laws contained in the *BOOK OF THE LAW*, and accordingly its enactments seem to have been confined to provisions of the nature of police regulations, suited to the peculiar circumstances and situation of the district.

No record of the proceedings of the *LAWTINGS*, held prior to the commencement of the 17th century, has been preserved. The earliest record extant is that of the Court of Patrick Earl of Orkney, (on whom the most ample civil and criminal jurisdiction had been conferred,) from 1602 to 1604, which contains various enactments of the *LAWTING* of

Zetland during that period. No contemporaneous record for Orkney has been found; the earliest record of that district commencing in 1612.

From the subsequent Records of the Sheriff Court of Orkney and Zetland, it would appear that the Sheriff had, along with the judicial powers conferred on him, assumed also the legislative functions possessed by the chief magistrate in the LAWTING. From 1612, down at least to the middle of that century, various regulations appear to have been enacted from time to time by the Sheriff. These regulations are made "*with advice and consent of the Gentlemen, Suitors of Court, and Commons,*" or "*of the Gentlemen, Suitors of Court, and Baillies of Parochines;*" an imitation, it would seem, of the form of the ancient LAWTING, where the inferior magistrates and proprietors of the district invariably attended, and where the proceedings, whether judicial or legislative, were either in the name or with the advice of the assize.*

These "Country Acts," as they were called, throw some light on the condition of the remote district to which they relate, during the early part of the 17th century. They were published in the Appendix to Dr Barry's History of the Orkney Islands, but apparently from an imperfect and incorrect transcript. They are now printed from the Records of the Sheriff Court of Orkney and Zetland, preserved in the General Register House.

* It does not appear in what manner the Assize were chosen; their numbers seem to have varied from 15 to 28.

THE LATING COURT OF ZEITLAND HALDIN BE
 ANE NOBILL AND POTENT LORD PATRIK ERLE OF ORKNAY
 LORD ZEITLAND AND MR JOHNE DISCHINGTOUN HIS DEPUT
 AT THE CASTELL OF SKALLOWAY BANKIS THE XXIIIIJ DAY
 OF AUGUST 1602.

Anent Dutche Merchandis.—The quhilk day It is heawilie complenit
 be the gentilmen and hail commonis within the contrie of Zeitland
 That quhair the Dutche merchandis and utheris straingeris repairing
 within the contrie hawing thair cowp's sett and ther toillis resawit for
 keiping of ane lawfull tred of merchandrice according to use and custome
 keipit of auld Nochttheles thai and ewerie ane of thame bringis to the
 contrie and sellis thair wairis with unlawfull mettis kannis bwsmeris and
 wechtis quhairbe thai ar greitlie inritchit And the hail inhabitantis
 depauperat and hurt therby Thairfoir It is statut and ordanit that na
 Dutche merchand stranger or wther present or sell ony barrell meile
 contening les nor ten leispundeis And that the rest of ther kannis
 bwsmeris and wechteis cuttellis be usit according to the auld accustomit
 forme of the contrie to be sichtit and conformit yeirlic be the foldis and
 sax newtrall men of ilk parrochin and yle within the contrie the saidis
 merchandis wnder the pane of confiscation of ther schippis and guidis
 and the said foldis incaice of failzie of ther tryall ilk persoun under the
 paine of j^c ti and tinsall of ther office and the brekaris of this yeirlic to
 be giffin up in dittay under the paines of perjurie.

Actis anent Foirstallaris &c. to be obseruit.—The quhilk day anent
 the complement giffin in be the hail gentilmen and commonis of the

contrie That quher thir hes bene dyverse and sindrie lowable actis lawis and conswetutionis maid hiddertillis for mentening and authorising of the commoun veile of the contrie specialie anent foirstallariss theiffis murthoraris burding of schippis steillaris and mellaris with the wrek guidis therof beitting and bigging of necessar briggis besydis diurse and sindrie actis and conswetutionis maid anent the commoun weile of the land quhilck hiddertillis hes beine overseine to have beine put to executionn to the greit hurt of the inhabitantis of the contrie Thairfoir it is statut and ordanit that the hail actis and ordinanceis maid of befoir thairanent salbe obserwit and keipit in tyme euming under the panis and penalteis therin contenit And ordanis the foldis of ilk parochin and yle to seik and extract the hail dowbillis of the saidis actis to be publeist and expoint to the commonis and the brekaris and wiolateris therof to be giffin vp in dittay yeirlie to hawe incurrit the penalteis mentionat therin ilk fold wnder the pane of j^c ti and tinsall of ther offices.

Proceidis upoun the xxv day of August 1602.

That nane lie nor traduce ane uther.—It is statut and ordanit be the adwyse of the essaye that nane lie nor traduce ane uther within the cuntrie of Zeitland to my Lord in ony poynt to the hurt of his nychtbour without sufficient probatioun led And in cais he beis fundin to haif done in the contrair for the first lie to tyne his rycht hand and sword and for the nixt lie to tyne his mowablis and to be baneist the cuntrie And this to be extractit be foldis ilkane of thame under the pane of xl ti and publist to the hail commonis of the contrie that nane prentend na ignorance heirof And siclyk that nane lie raile or traduce the Lord or Maiestrat of the coyntrie ether within the coyntrie or without fra this furthe ilk persoun under the pane foirsaid.

That nane intend actionn befoir the Lordis of Counsaile &c.—It is complenit be a grete number of the gentill men and commonis of the

coyntrie of Zeitland That they ar hevelie hurt and preiugit be dyverse and sindrie craftie malicious and invyous personis within the contrie quha craftelie beginnis and intendis ther actionis aganes utheris befor the Lordis of Sessioun and utheris Jugis out of the coyntrie quharbe the haile commonis ar liklie to be wrekit without tymous and speidfull remaid be put therto Thairfoir for remaid of this it is statut and ordanit that nane begin or intend actioun aganis uther within this coyntrie ather affoir the Lordis of Counsale or Sessioun or ony uther Juge temporall or spirituall or rais letteris in ony sort vtow the coyntrie fra this furthe vnles it be tryit that they ar refusit of justice within the coyntrie it selfe With certificatioun in cais they do that they and everie ane of thame quha contravenis thir presentis sall tyne the benefeit of the lawis of the coyntrie and newer to be hard in ony caus therefter And ordanis thir presentis to be extractit out of the buik be the foldis of the coyntrie and yles and publeist throwebe the hail lande ilk persone under the pane of xl ſi.

Anent servandis passing afe the contrie.—Annent the complent gifin in be ane greit number of the gentilmen and utheris the commonis of the contrie That quhair the foldis and wtheris giffis licence and testimoniallis to a great number of servandis and utheris indvellaris within the land to pas afe the contrie to wther partis quharbe a great part of the landis of the contrie are liklie to ly ley without tymous and speidfull remeid be putt thereto Thairfoir it is statut and ordanit that na skippair merchand or awner carie away or transport afe the contrie ony persoun or personis in ther schipis bottis great or small without my Lordis licence or his deputis fra this furthe ilk skippar merchand or awner under the pane of j^c ſi als oft as they contravene this ordinance And sielyke that na fold nor uther grant ony licence or testimoniallis to ony fra this furthe wnder the pane to be accuseit as usurparis of the Kingis auctoritic.

The Court of Dunrosnes haldin be Mr John Dischingtoun at Sowndbrughe the vij day of Julij 1603. The Suitis callit the Court lawfullie fensit the essaye chosin sworne and admittit.

THE NAMIS OF THE ESSYSE.

William Bruce of Simbuster	Malcum in Culbeingsgarthe.
Jhone Neveine of Scowsbrughe	Magnus in Troswik.
William Fermour fold	Andrew Smyth in Sand
Hew Halero	Magnus in Channerwik
Maleum Halero	Magnus Grige
William Yewnsoun in Rearwik.	
William Sinclair in Vwtwo	
Grigerous in Lie.	
Robert Rattray	
William Crewschank.	
Thomas Sinclair in Myre.	
Lowrence Leisk	

Anent leiding peitis to my Lordis hous in Sowndbrughe.—It is statut and ordanit be the adwyce of the hail essaye and speciallis of the parochin of Dunrosnes that the hail parochin salbe subject and astrickit yeirlie to leid and carie to my Lordis hous in Sowndbrughe the quantitie of twentie four faddome peitis of Zeitland fadomis to be inbrocht uswalie fra this furthe in dew tyme of yeir And to be placeit and stakit at sik part as the fold sall appoynt And that the fold salbe ansuerabill thairfoir And that nane of thaim be stollin or spendit by my Lordis use incaice ony be the fold to be ansuerabill therfoir And in the meintyme appoyntis the fold to cheis sax newtrall men to stent the parochin for

leading of ther peitis And that ilk persoun according to thair laboring leid alyk And this to be done ilk persoun wnder the paine of ane angell nobill quha failyeis.

David Leslie to mak repentance for misusing the kirk of Cunnisbrughe.

—It is tryit that Dauid Leslie hes maist schamefullie misusit the kirk of Cunnisbrughe and placeit his guidis therinto making the samen ane kow byre for the quhilk he is decernit to mak his repentance in presence of the Minister and haill congregatioun on Sunday nixt in sackclayth And forder to pay xl s̄ to the King for his offence And forder ordanis the haill commonis to upmak thair kirk dykis lawfull within the space of ane moneth ilk persoun under the paine of xl li.

That nane frequent the yle of Musa.—It is statut and ordanit that nane frequent the yle of Musa nor travell therinto with boitis or doing ony thing therin by the advyce and companie of Dauid Ked becaus he is appoyntit be my Lord to have the keping and handling of his haill holmis togidder with the baile guidis being therinto For the quhilk he is ansuerabill to my Lord And thairfoir ordanis that nane frequent the saidis holmis under the paine to be accusit for stowth As siclyk ordanis that nane frequent ony of my Lordis holmis with ony selchie netis without leife wnder the paine foirsaid.

Proceidis at Soundbrughe the i.v of Julij 1603 yeiris.

Aneit Ale Sellaris.—Forsameikill as the haile browstaris and wentaris of ale at the nes of Dunrosnes hes contravenit the actis and conswuetionis maid be Arthour Sinclair Shiref for the tyme in sa far as thay have sauld thair ale darrer nor aughtene penneis the pynt and the baik

ane pennie a wantage over ther bying And therfor ilk ane of them ar decernit to pay x li wnder the paine of poynding And ordanis all the browstaris in tyme cuming to sell ther ale for aughtene pennis the pynt and ilk bair to be sauld for ane pennie in wantage over ther bying onlie according to the auld act forsaid ilk persoun under the paine foirsaid And that the ale be sufficient and owklike to be cunnit be Jhone Sinclair Larycht man and Lowrence Leisk Robert Rattray Grigerous in Lie Thomas Sinclair owklike ilk ane of them wnder the paine of xl li to the effect that the sufficient ale may be sauld according to the price forsaid And the insufficient ale delt to the poore.

The Nes callit Scatsnes.—It is statut and ordanit that the Nes callit Scatsnes with the hail fredomes girse and liberteis therof salbe equalie dewydit amangis the awneris of the landis of Scatsnes ilkane according to ther portionis And the profetis therof to be dewydit amangis them all according to ther partis.

The Lating Court of the contrie of Zeitland haldin be Mr Johne Dischingtoun Shiref and Justice deput of the contrie of Zeitland At the Castell of Skalloway bankis the xxv day of Julij 1603 yeris.

Auent the boitis of Burray.—It is statut and ordanit that the hail inhabitantis of Burray sall mak ther boitis to ly upoun the eist syde of the yle to serve flitt and fwir in my Lordis service and that ilk last land serve alyk or than that the hail commonis furneis ane boit amangis thameselfis for fletting ony of my Lordis adois and serviceis heirefter in all tyme cuming ilk persoun under the pane of xl li.

It is statut and ordanit that na boitis fra this furthe sall resort in the

nyecht for making of ony merchandice bot in the fair day lycht swa that the nychtbouris be frie of wtheris skayth ilk persoun under the payn of xl li.

At Soundbruche the xxj day of Junij 1604.

Anent the price of aile.—It is statute and ordanit in respect the victuallis ar guid scheape in the contrie praisit be God that the haill brousteris within the parochin of Dunrosnes sall sell na darrer aile nor twelff penneis the pynt fra this furth And to this effect appoyntit and electis Jhone Sinclair officiar Thomas Sinclair in Myre Robert Rattray and Lowrence Leisk to be cwnstaris to try quhidder thair aile be sufficient or nocht and to do thair dewoir faithfullie therein ilk persoun wnder the pain of x li with speciall derection to them incaise of the saidis broustaris ailis be insufficient to escheit and daile the same to the pwir And that the haile broustaris obserwe and keipe this ordinance fra this furth ilk persoun under the pain of x li besydis the escheting of ther brewing lwmes And ordanis the cwnstaris abonewretin to gife vpe the brekaris and contravenaris of this act yeirlie in dittay.

The Court of Burray haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Hous the xxv day of Junij 1604.

Anent the boitis of Burray.—It is statut and ordanit be adwyce of my Lordis selff that the haile boitis of Burray on the woist syd remaine to serve on the eist syd induring my Lord and his deputtis residence within the contrie bayth be summer and winter quhill thai compleit ther service ilk persoun wnder the pane of xl li^s fra this furth als oft as tha contraveine And in my Lord and his deputtis absence to serwe the straingeris and passingeris upoun ther awin expenssis That is to say

ilk four earing boit to Meawik or Skalloway for ane flitting ane half merk and ilk sax earing ten Schillingis without thai produce my Lorde or his deputis warrand to be friet And siclyk that the haile commonis of Burray contribut amangis them selffis to by ane ferrie boit for serwing of all straingeris and passingeris to Meawik or Scalloway out of Burray vpoun thair awin expensis in maner forsaid ilk persoun under the pane of ten fi And that men be furneschit to serwe this boit be croce and the commoditie to be collectit and furth cummand quhill the boitis price be maid owt.

Anent casting of peitis within the yle of Burray &c.—Compeirit Alexander Bruce Procurator for ane nobill and potent Lord Patrik Erle of Orkney Lord Zeitland and dwmlawit with Dauid Sinclair fold of Burray as for himself and in name and behalff of the haile inhabitantis of the yle of Burray Brassay Gulberwik and Querff that thai and ewerie ane of thame sould cast and win ther peitis yeirlie in tyme of yair according to the ordinance set down in my Lordis precept direct theranent wnder the paine of ane dwmra and siclyk wnder the panis contenit in the said precept And siclyk dwmlawit with him anent the payment of my Lordis wodderis this yeir and yeiris preceeding the samin and in all tyme cuming And that thai sould pay the samin at Midsomer yeirlie ilk persoun under the paine forsaid that is to say Burray Gulberwik and Querff twelff wodderis and Brassay aucht sufficient guid wodderis.

Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growthe of the wole of that yeir and nocht of the nixt zeir And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be payit ilk persoun to pay j^e fi to the sellar and the escheting of the wole to the byar and the wodmell to be maid and brocht in Midsomer yeirlie according to use and wount wnder the paine forsaid.

Aneit payment of Syse herring.—It is dwmlawit be Alexander Bruce in name of my Lord with David Sinclair in name and behalff of the inhabitantis of the yle of Burray Gulberwik and Querff quha winis ony hering within the yle within quhat day thai and euerie aue of them sould pay ther syse hering to the said Alexander in my Lordis name and mak him payment therof according to my Lordis preceptis direct theranent alreddie Quhilk is ordanit to be done within ane moneth ilk persoun under the paine of ane dwmra.

The Shirefe and Justice Court of Quhitsnes and Weisdale haldin be ane nobill and potent Lord Patrik, erle of Orknay Lord of Zeitland at Vsenes the 3 day of Julij 1604. The Suittis callit The Court lawfully fensit The essys chosin sworne and admittit.

Aneit the Eirnis and the Corbeis.—It is statut and ordanit in respect that the eirnis and the corbeis continewallie sleais and destroy the haile lambes and yung bestiall of the contrie be ressoun that nane waittis on them to slay them according to the auld actis of the contrie Thairfoir ordanis the haile houshalderis within the parochin and sa mony therof as hes gwnis to follow and slea the saidis airnis and corbeis And to haif for his panis according to the auld lawis ane lamb for sa mony eirnis or corbeis quhilk he sleais fra the personis quha desyris to schuit hir And incaice he refuse the lamb offeirit the gwinner to pay xl s̄ And ordanis that nane schuit or slay ony cunninggis uther with gwne net or ony uther ingyne in ony mannis linkis without leife ilk persoun wnder the pane of x li according to the actis.

Aneit the Wodmell &c.—The haile essaye ratefeis and appreifis the

haile ordinances maid at Burray anent the Wodmell syce hering peitis and the ordinance maid theranent to be keipit within the boundis Quhytnes and Weisdaille wnder the pane contenit in the actis.

That my Lord haif his accustomed wodderis &c.—It is statut and ordanit that my Lord haife twelff accustomed wodderis and ane ox according as the rest of the contrie payis And that the samin be send in to the Lating this yeir under the paine of poynding And ordanis the fold poil in houff accompaneit with sax honest men to skance and stent the samin throche the parochin nocht onlie for this yeir bot also for the haile byrunis in tyme cuming as he will ansuer therupoun.

The inhabitantis of Quhytnes and Weisdale to pay yeirlie.—It is statut and ordanit at my Lordis command that the haile inhabitantis within the parochine of Quhytnes and Weisdale alsweile haifeing land as mowable pay ane schewnd ox quhilk is callit the sesing ox or at the leist the best grip according to the auld use And this to be payit to my Lord and his chamberlanis yeirlie wnder the paine of poynding.

The uter dyk of Quhytnes to be biggit.—It is statut and ordanit that the uterdyk of Quhytnes salbe biggit upe be the tennentis therof And siclyk William Sinclair of Ustanes is ordanit with his nychtbouris to put upe the Innerdykis to the effect that ather nychtbour may be frie of wther skayth bayth of ther guidis and bestiall ilk persoun according to his garaman And wnder the paine of x li.

The Shirefe and Justice Court of Wais Aithsting and Sandsting haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Sand the v day of July 1604, the suittis callit, the Court lawfullie fensit, the essayse chosin sworne and admittit.

The act anent the hyring oxin out of the parochin.—It is statut and ordanit that nane within the parochin hyre ther oxin out of the parochin or sell ony of ther oxin to Dutchemen strainger or utheris out of the contrie fra this furth ilk persoun quha hyris ony out of the parochin vnder the pane of x li according to the auld actis als oft as thai contravene And that nane sell ony of ther oxin in maner forsaid ilk persoun vnder the pane of xl li *toties quoties.*

The Lating Court of the contrie of Zeitland callit the principall and heid Court therof haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland Justice Generall and Shireffe Principall of the regaliteis therof according to his infestmentis giffin to him therof be the Kingis Majestie At the Castell of Skalloway bankis the xxij day of August 1604.

Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growth of the wole of that yeir and nocht of the yeir following And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be first payit ilk seller under the paine of j^e li and escheting of the wole to the buyar

And that the wodmell be maid and brocht in yeirlic at Midsomer accord-
ing to use and wount ilk persoun under the paine forsaid.

Act anent the bying and selling of landis within the contrie.—Taking
consideratioun of the great confusioun usit within the contrie of Zeit-
land anent the buying and selling of Landis therinto continewalie
rememberit be the complentis and supplicatiounis of the commonis of
the contrie to the greit hurt and commowne weile therof Thairfoir it is
statut and ordanit that na persoun or personis fra this furth ather by or
sell ony sort of landis with wtheris without the samin be first offerit to
the narrest of the sellaris kin according to the use and constitutioun of the
contrie And incaice of ther refusall that the samin be offerit nixt to my
Lord himself quha is Magistrat and superiour of the contrie affoir ony
uther he payand therfoir as the awneris and he can agrie With certifica-
tioun incaice of failze and contrawening of this present act That the
tytillis and securiteis maid or to be maid upoun the saidis landis with all
that followit or may follow therupoun salbe null and of na awaile in all
tyme thereafter.

Anent fisching &c.—It is statut and ordanit lykwyse for the weile
of the contrie that na persoun or personis sall fische ley or schwit ony
lynis within ony wo of the contrie fra Beltane to Alhallowmes yeirlic
according to the auld actis of the land ilk persoun under the pane
of x li.

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30 Julij 1612.

*Curia Tenta apud Urbem de Kirkwall in Orknay in
Templo Sancti Magni penultimo die Mensis Julij Anno
domini Millesimo Sexcentesimo duodecimo per venerabilem
in Christo patrem Jacobum episcopum Orhadensem.*

Sectis vocatis et curia affirmata.

Bailleis.—THE QUHILK DAY ane reverend father in God James Bishop of Orknay his Maiesteis Commissioner Shirref and Justice within the bowndis of Orknay and Zetland sittand in judgement Ane certane number being gevin in in lyttis be the inhabitantis of Kirkwall to be Magistrattis did elect nominat and sweir William Carmichaell David Moncreiff Robert Chalmer and James Futhie indwelleris in the said bruch bailleis to governe and beir rewill within the said toun for keiping and reteining the haill inhabitantis within the samen under his Maiesteis firme peace and obedience in that civile societie amongis thame selfis that becummis peciable and guid subieets with power to thame to creat clerks officers dempsteris and vtheris memberis of court neidfull for administratioun of justice.

Counsellouris.—The quhilk day ar nominat electit and sworne Alexander Tailzeour Thomas Mayn Michael Chalmer Arthur Sinclair William Covintrie Nicoll Sinclair Magnus Cragie and William Robesone Counsellors and Assissors for voiting geving ane a fald counsell and concurring with the saids Magistrattis in all materis concerning thair estait as effeiris.

Ministeris.—The quhilk day It is statut and ordanit that the saids Magistrattis and Counsell sall assist and fortife the minister and ses-

sioun of Kirk for putting to executioun of all actis and statutis made be thame for mentenance of Godis glorie the edificatioun of the kirk and pwnisching of vyce within thair jurisdictioun.

Mercat day.—The quhilk day it is statut and ordanit That Satterday sallbe a mercat day ouklike in tyme cumming within the said town and that the bailleis and counsell of the said town sall gif ordour for fleschouris fischeris brousteris baikeris cordineris and vtheris craftismen and lairdis within the said town for keiping of ane civile societie and gwid ordour and repressing of all enormiteis and extortiounis in all tyme cumming.

Drunken men.—The quhilk day It is statut and ordanit that the saidis bailleis and magistrattis sall exact of everie persone fund drunk of whatsumever rank qualitie or degrie the sowme of fourtie schillingis money *toties quoties* as they sall happin to be fund and mair according to the habilitie of the persone and discretioun of the magistrat And gif they haue no geir pwnisch thame in their persones.

18 Augusti 1612.

Curia Vicecomitatus de Orknay et Zeland tentu apud Castellum de Skalloway In aula ejusdem per venerabilem in Christo patrem Jacobum episcopum Orchardensem Commissionarium S. D. N. Regis Vicecomitem dicti Vicecomitatus die xvij^o mensis Augusti 1612.

Sectis vocatis et curia legitime affirmata.

Memberis of Court.—The quhilk day ar chosen Mr Harie Aitkin clerk Thomas Yong officer and Gilbert Cantlie adjudicator and Robert Coltart procurator fiscall.

The quhilk day the said reverend father in God produceit his commissioun Quhilk wes red in face of court and maid faith *de fidei administratione*.

The quhilk day the foirsaid memberis of Court chosin electit and sworne the Court sensit suittis callit wes continewit to the morne.

Die decimo nono Augusti.

Beggeris and Vagaboundis.—The quhilk day Forsamekill as thar is monie baith outland and inland beggeris of woll fisch and cornis of honest rank that repairs and sornis thruch the cwtrey and overlays the same begging woll fisch and cornis and will not be refusid bot in effect vrges the indwelleris to give thame that hes no necessitie of the same It is thairfor Statut and Ordanit be the reverend father in God Commissioner Sherref and Justice foirsaid with consent of the gentilmen and comounis that in cais ony sik personis that ar not auld decrepit and misterfull sall be fund heireftir that it sall be lesum to the finder to tak the plaidis from thame or vther thair vpmaist claith and delyver thame selffis to the baillie of the parochin to be pwnischit in the stockis and jogis as idill and vagabound persones And gif the bailye refusit to pwnisch thame conform to the premisis he sall pay to the Shirref or his deput sex punds.

Act contra Chapmen and Foirstalleris.—Item forsamekill as thair is diveris and sindrie Chapmen quha be way of foirstalling at all occasiounis attendis the cumming of schippis and prevenis the inhabitantis of the cwtrey in bwyng all soirt of merchandice and selling the same agane to the cwtrey pepill at ane far heicher rait to thair great preiudice and hurt Thairfor it is statut be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and

comounis That it sall not be lesum at na tyme heirefter to na chapmen to bwy ony merchandice from ony stranger or merchand of schip vnder the pain of escheiting of the said merchandice and gwidis vnto the tyme the inbringer mak intimatioun to the baillie of the parochin wher he landis and the baillie of the parochin to the parochineris the Sabboth nixt therefter that they being maid forsene may have the first loff of sick thingis as may be maist necessair for thair vse and within thrie dayis nixt efter the secund sabboth of the arryvall of the said schip or schippis it to be lesum to the said chapmen to have place to mak merchandice as ony vther cwtreyman.

Act for Servandis.—Item Forsamekill as thair is monie serviable perones that mareyis and takis up housis nocht haveing wherpone to live wherby the inhabitantis and induelleris in the cwtrey ar damnefeit and hurt for laick of servandis Thairfoir it is Statut and Ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comounis of the cwtrey That it sall not be lesum to servile perones not worth thrieskoir gulyeonis quhilk is lxxij li Scottis to tak vp housis nor no man to set to thame housis or land And gif they doe in the contrair the baillie of the parochin with thrie or four honest nichtbouris quha sall be haldin to go with him at his desyre sall dimolisch and cast doun thair housis and put thame to service and sall caus the setter pay the sowme of xx li And incais the baillie refusis to do the same he sall be deposit of his office and pwnischit at the discretioun of the Shirref and his deput.

Act for Thift Rowing and pulling of Scheip.—Item forsamekill as the abhominable cryme of Thift is so comoun in this cwtrey and rowing and pulling of scheip quhilk can hardlie be tryed in respect of the wydnes of the bowndis to the great preiudice of the inhabitantis of the Land For remeid quherof It is statut and ordanit be the said reverend

father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comounis that it sall not be lesum at ony tyme of day bot speciallie befor the sun rying and efter the sun setting to go thurh his nichtbouris scattell or comontie with ane scheip dog except his nichtbour within quhais scattell he travellis be maid foirsene and desyre him self or ane of his houshold to accompanie him And gif he be fund contrair to the tenor heirof sall pay for the first fault the sowme of vj fib and his dog hangit and not to be lesum to him to have a scheip dog thairefter under the pane of four angellis And gif he be fund the secund tyme not being accompaneyit as said is sall pay sex angellis And gif he be fund the thrid tyme sall be haldin and pwnischit as a Theif And gif it sall happin ony man to be fund day or nicht in ane uther manis holme upone quhatsumever pretence without licence of the awner and speciallie in the holmis now belonging to the Kingis Maiestie without licence of the keiper thairof he sall be reput haldin and pwnischit as a commoun theif conforme to the lawis and practique of this realme.

Act for Sclander.—Item forsamekill as it is havelie complenit that thair is diveris and sindrie persones quha out of thair evell humouris and bad dispositiounis detractis sclanderis and defames thair nichtbouris calling thame hwir theif and sicklyke sclanderous wordis quher they ar hurt in thair name and fame far contrair to all cristiane dewtie equitie and ressoun For remeid quherof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis That it sall not be lesum to ony man or woman of whatsumever rank or qualitie at ony tyme heirefter to detract sclander or defame utheris quherby thair name or fame may be hurt or imparit And gif they doe in the contrair the partie contravenar or breker sall pay to the Kingis Maiestie or his deput liij s̄ iiij d̄ And to the partie offendit according to the discretioun of the Judge befor quhom he sall be citat quha thairefter sall tak cawtioun of the offender

that he sall the nixt Sabbath day thairefter compeir befor the Minister and parochinaris within quhais boundis they sall happin offend and publictlie in presens of the congregatioun convenit for the tyme confes his fault and crave the partie grevit and offendit forgivenes.

Act for Swyne.—Item forsomekill as it is havielic complenit be the inhabitantis of the cwtrey that they ar havielic damnefeit and hurt anent hirding and keiping of swyne quha castis vp eittis and destrois thair nichtbouris cornis and girs within dyke in forbiddin tyme Quhairfoir it is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid that gif heirefter ony nichtbours swyne sall cast up eatt or destroy his nichtbouris cornis or girs foirsaid in forbiddin tyme that the partie interest hurt and damnefeit for the first fault sall adverteis the awner of the swyne of his skaith onlie And gif they sall be fund the second tyme for the second fault sall poind the said swyne and wairne the awner thairof And incais of his absens his wyff or bairnis being of perfyte age and sall wairne thaim to cum and sie the skaith comprysit quhilk they sall be haldin to pay within twentie four hours Quhairfoir it sall be lesum to the baillie to poind And for the thrid fault gif ther sall happin to be fund the thrid tyme it sall be lesum to the partie finder or challenger in maner foirsaid quha sall happin thrie tymes to be damnefeit and hurt in maner abouewrittin to slay the said swyne but dainger of pryce spuilye or uther dainger of law quhatsumever.

Act for Thift.—Item for remeid of thift quhilk aboundis greatumlie to the preiudice and hurt of monie within this cwtrey It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and commounis That all pedderis chapmen or buyeris of hydis skinis or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin within quhais boundis he sall happin to buy the same and schaw him the hydis skin or woll with

the mark thairof and fra quhome he coft the same And sall not consell fraudfullie nor say deceitfullie that he coft from ane persone quheras of verritie he coft the gwid from another bot sall tell the treuth vpon his great aithe vnder the pain of confiscatioun of his pack.

Act for Ryding uther mens horsis and stowing of thair tailis.—Item it is statut be the said reverend father in God with advyse and conseil foirsaid for remeid of ryding uther mens horsis that quhasoever sall be apprehendit ryding ane uther manis hors without licence and leave of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the Kingis Shirref or deput four merks and to the partie awner iiij merks And gif he be fund and apprehendit ryding ane uther mans hors outwith the parochin quhair the awner of the hors duellis he sall pay viij merks to his Maiesties deput and viij merks to the partie And gif it sall be tryed and fund that the ryder and taker of the hors hes overriddin ma parochins for everie parochin according to the distance of the place of the parochin out of the quhilk the said hors wes takin sall triple quadruple or augment according to the severall parochins quhairthrow it sall happin him or thame to ryde And gif the ryder have na moyen to satisfie the foirsaidis penalteis proportiounallie as is abouewrittin he to be pwnischit in his persone effeirand to the offence and deid at the discretioun of the Judge And quhasoever sall be tryet or fund to stow or cut ane uther mans hors taill the doer thairof sall be pwnischit as a thief at all rigour in exempill of utheris to commit the lyke.

Publication of these Acts to be made at everie Paroch Kirk.—Item for the better fulfilling of the foirsaidis actis and putting the same to dew executioun in the haill heidis and clausis thairof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the Gentillmen and Comouns that the bailleis of ilk parochin sall mak publicatioun thairof at thair paroch kirk quhairby nane pretend

ignorance upone the first lauchfull Sunday nixt heirefter following And sall put the saidis actis and everie ane of thame to dew executioun in the hail heidis articklis and clausses thairof and sall be comptabill for the discharge of thair offices quhairby his Maiesteis lieges or ony within thair jurisdiction and severall bailliareis hes bene delayit or frustrat of justice and dew executioun thairof Or incais that ony of thame sall be tryet or fund to oppres or wrang ony persone or persones within thair bailliareis by the exacting of services or ony vther thing quhilk is not dew to thame or to ressave buddis or brybbis for perverting of justice Than and in that cais or ony vther of the lyke nature or qualitie they sall be haldin baith to repair the wrangis at the sicht and discretioun of the Shirref quhilk they have done As also they sall be estimat infamous or unworthie ever to bruik office or credite in ony tyme thairefter.

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Curia Vicecomitatus de Orknay et Zetland tenta apud Castellum de Skalloway bankis per venerabilem in Christo patrem Jacobum episcopum Orchardensem Commissionarium S. D. N. Regis et Vicecomitem dicti vicecomitatus die vigesimo primo Augusti 1612.

Curia tenta et legitime affirmata.

Dittay contra the Egiptianis for slauchter.—The quhilk day Johne Faw elder callit mekill Johne Faw Johne Faw younger callit Littill Johne Faw Katherin Faw spous to umquhill Mardo Brown Agnes Faw sister to the said Litill Johne wer indicted and accusit for airt and part of the cruell and unmercifull slauchter of umquhill Murdo Brown egiptian committit be thame upone the grund of the landis of Garth within the parochin of Delting Lordship of Zetland and Sherifdome of Orknay upone the last day of July last bypast And als the said Johne Faw

younger wes indyttit and accusit for geving his bodie to the abhominable vice of incest with Barbara Faw his wyffis sister and with Helen Faw his wyffis sister dochter And for geving the use of his bodie to the abhominable vice of Adulterie with Katherin Faw spous to the said umquhill Murdo And last they and everie ane of thame wer indyttit and accusit for commoun thift and commoun pyckrie and for geving of thame selfis furth for Sorcereris givearis of weirdis declareis of fortownis And that they can help or hinder in the proffeit of the milk of bestiall Quha denyit the same Compeirit Robert Coltart procuratour fiscall and desyrit the foirnamed persones to be put to the knowledge of ane assyse and justice to be ministrat conforme to the dittay Compeirit Waltir Ritchie notar procuratour for the foirnamed persones indyttit Quha alledgit that they awcht not to be put to the knowledge of ane assyse because it is of veritie conforme to the practique of this realme Egiptianis have never bene adjudget to the death for slauchter amongis thame selfis And so giveand and not grantant that they had committit slawchter yet being Egiptianis and amangis thameselfis they sould not be put to the knowledge of ane assyse nor adjudgit unto the death To the quhilk it wes ansuerit be the said Procuratour Fiscall That the foirsaid alledgance awcht to be repellit Becaus conforme to the commoun practique quher slauchter is committit within ony Jurisdiction they awcht to be pwnischit conforme thairto within the samen Bot so it is that they have committit slawchter within this Jurisdiction Ergo Secundlie It wes alledgit that if ony slawchter wes it wes in thair defence Lykeas he offeris him to preiff that the said umquhill Murdo drew the first sword To the quhilk it wes ansuerit that it awcht to be repellit in respect of the slawchter and dittay Thridlie it wes alledgit be the said Walter that the hail foirnamed persones indyttit as said is except the said Katherene Faw aucht to be assoilyeit Becaus the said Katheren slew hir said umquhill husband with hir awin hand with a lang braig knyff and cravit hir declaratioun thairupone quha confest the fact Quherupone the said Walter for the

part of the rest of the foirnamed persones askit instrumentis and act of Court And Robert Coltart procuratour fiscall protestit in the contrair The Judge repellit the foirsaidis twa alledgances And ordanit the foirsaidis persones to be put to the knowledge of ane assyse.

ASSISA.

Nicoll Scلائter in Skallowaybankis	Magnus Cogill in Papastour
William Magnusson of Neip	Chan ^r Berard Mowat in Collafirthe
Magnus Olasone of Ilsbruch	David Foster of Lunay
David Kaid in Skallowaybankis	Jerome Nicolson in Caldcliff
Malcolme Mowat ther	Magnus Olasone in Aithsnes
John Magnusson in Garmantwat	
Magnus Bult fowd of Brassay	
Magnus Smith in Brassay	
Henrie Wischart in Burraland	
Thomas Lentroun skipper in Leith.	

Quha being sworne and admittit The said Robert Coltart procuratour fiscall foirsaid askit instrumentis and protestit for wilfull error in cais of not delyverance affirmative Past altogether furth of court ryplie advysit and enterit agane Fand delyverit be the mouth of Berard Mowat chancelar the said Katheren convict of the slawchter of hir said umquhill husband the tyme foirsaid and fand the remanent persones quyt and frie thair of Efter quhais declaratioun The Judge decernis and ordanis the said Katherene to be tane to the Bulwark and cassen over the same in the sey to be drownit to the death and dome given thairupone And decernis the remanent persones to be quyt of the crymis abonewrittin.

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Curia Capitalis Vicecomitatus de Orknay et Zetland tenta in Kirkwall per honorabiles viros Henricum Stewart de Carlonyie et Magistrum Wilehmmum Levingstoun Vicecomites deputatos dicti Vicecomitatus die vij Junij 1615.

Jonet Drever and Katherene Bigland tried for Witchcraft.—The quhilk day Jonet Drever and Katherene Bigland alias Grewik being pannald indytit and accusit for airt part vseing committing and practizeing of the abhominable and divelische cryme of witchcraft contened in the particular and severall pointis or dittays gevin in aganes thame Compeirit Robert Coltart procuratour fiscall and desyrit persones to be put to the knowledge of ane assyse of the persones following viz &c &c

The said persones being receavit sworne and admittit past al togidder furth of court and ryplie advysit inenterit agane fand and delyvert all in ane voice for the most part the said Jonet Drever be the mouth of Robert Menteth chancelar To be convict and giltie of the fostering of ane bairne in the hill of Westray to the fary folk callit of hir our guid nichbouris And in haveing carnall deall with hir And haveing conversation with the fary xxvj zeiris bygane In respect of hir awin confesioun And sicklyk fand and delyverit for the maist part be the mouth of the said chancelar the said Katherene Bigland To be convict and giltie of witchcraft for standing in the style or the kirkzaird of the croce kirk of Westray with drawin knyffis in hir hand quhill Marioun Tailzeour hir mother and vtheris that wes in hir companie cam furth of the said kirk the most part of ane nicht Item convictis and fyles the said Katherene for laying of ane duyning and quotidean seiknes upon William Bigland in Swartmiln hir master Item fylit the said Katherene for

practizing of the said divellische cryme of witchcraft In going furth
 under clud of nicht about Candelmes last and bringing in to the said
 William his hous of wattir as apperit And wesching of the said William
 his back therwith And laying him doun saying he wald gitt guid rest
 and lying doun betuix him and the dor having refuissed to ly in any
 uthre place And the said William haveing walknit with fear and crying
 and feilling a thing lyke a ruche schein abone him In saying to him be
 not affrayit for it is the evill spreit that trublit yow that is going away
 And in taking of the said William upone the morne at nicht efter sun
 setting under the bankis and wesching of him with salt wattir at that
 tyme And fyve or six vthir nichtis thereafter quhill he receavit healtre
 be hir unlauffull and divelische airt of witchcraft Item fylit the said
 Katherene in laying of the seiknes the said William had upone Robert
 Broun his servand quba continewit therein almost mad tuo dayis quhill
 schoe cam and graippit his pulses and brow and straitit his hair back-
 wards and saying he wald be weil And casting of the same seiknes
 immediatlie upon the said William Bigland And the said Katherene
 being challengit within the said Ile therfor for taking of the said seiknes
 af the said Robert and casting the same agane upon the said William
 In saying if William Bigland livid schoe wald die And thairfor God
 forbid he leve Efter quhais deliverance the Judges decernis and ordanes
 the said Jonet Drever to be tane upon the morne betuix 3 and 4 houris
 efter nune and seurdgit fra the end of the said toun to the uthre And
 thairefir to be banished the cuntre And nevir to returne under the
 pane of death And siclyke decernis and ordanes the said Katherene
 Bigland to be tane to the heid of the lone the morne at tua efternune
 And thair to be bund to a staik and hangit to the death and brint to
 asches And dome gevin heirupone.

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1 Augusti 1615.

Curia Vicecomitatus de Zeland tenta apud Castrum de Scalloway bankis In aula ejusdem Per honorabilem virum Magistrum Willielmum Levingstoun Vicecomitem Deputatum dicti vicecomitatus die Primo mensis Augusti Anno Domini Millesimo sexcentesimo decimo quinto.

Sectis vocatis et Curia legitime affirmata.

Memberis of Court.—THE QUHILK DAY ar chosen Robert Raa In Procurator Fiscall Robert and George Blakis and Gilbert Cantlie Officeris sworne and admittit and Magnus Cromertie in Dempster And all actiounes continewit to the thrid day of this instant.

Tertio Augusti anno 1615.

THE QUHILK DAY Forsamekle as sin and iniquitie is and hes bein the caus of Goddis havie plagues and judgementis And that partition wall quhilk devydit the people frome the presence of God and the caus of gryt dissolatioun in kirk and policie within this cuntry for laik of discipline And putting of the actis of the kirk (quhilk has bein grytumlie contempt in tymes past) to dew exeentioun And sicklyke that ther hes bein gryt ignorance of his most sacred Majesties royall and supreme auctoritie In practiseing of forren and uncouth lawis contrair to the tenour of the Actis of Parliament and secreit counsell maid theranent And Lykwayis That ther hes bein gryt dissolatioun in the commone weill trouble and disorder injuries and wrangis amongis the Inhabitantis of the land for laik of government administratioun of justice and putting of the samen to dew executioun THAIRFOIR It is

Statute and Ordanit be the said Sherif deput with advyse and consent of the gentlemen sutteris of court and commounes all with ane advyse consent and assent as efter followis.

For punischment of sin and vice.—IN THE FIRST It is Statut and Ordanit For punischement of sin and vice That the actis of the kirk maid and to be maid be the, Ministrie and thair Sessioun of kirk aganes transgressouris and sinnicris be put to dew executioun with all rigour in example of utheris to do the lyk Be stocking jogging and gowing of the saidis Malefactoris and be putting of thame in brankis douking in the sey and in using of all uther publict punischement answerable to the qualitie of the falt And to this effect that the baillie of ilk parochin and his officer concurr and assist thair ministeris elderis and thair officeris in putting all sick statutis maid or to be maid in thair said sessioun of kirk to dew executioun as said is for maintenance of Goddis worship keiping of the sondayis suppressing of all Idolatrie speciallie of walkis and pilgrimadges And all utheris vyces and punishing persones refractarie and dissobedient to thair discipline under the panes of deprivation and payment of fourtie pundis to be employed *ad pios usus*.

That all persones honour the Kingis Majestie.—Item It is Statut and Ordanit That all maner of persones of quhatsumever rank qualitie and degrie sall honour thair dread Soveraing the Kingis Majestie and submit thameselves with all reverence to his auctoritie and obey his law disclame and renunce all forren lawis actis statutis and constitutiounes quhatsumever observit heirtofoir under the panes contentit in the actis of Parliament and most honorabill Privie Counsell maid thairanent And that all men according to thair rank and degrie provyde thameselves of sufficient armour according to thair estait And be in reddines at all occasiounes to serve his Majestie and Deputtis present or that sall

be for the tyme ffor suppressing and withstanding the incursiounes of Pirottis and utheris tumultous persones as they wilbe ansuerable upoun thair hiest perrell.

3. *Anent directing of the corse.*—Item It is statut and ordanit to the effect forsaid That ilk hous and familie sall cairfullie and diligentlie direct the corse to his nixt nychtbouris with ane sufficient berar ffor admonishing the people to convein aither to kirk to preichins or prayeris or for his Majesteis service and sick uther necessar causis as salbe thought expedient be the Minister Shireffis and Justiciaris or thair Bailyeis and sall not stay nor lay down the same bot direct it with all diligence upoun the receipt therof under the pane of vj ði money *toties quoties*.

4. *Anent false wechtis.*—Item It is statut and ordanit ffor eshewing of false wechtis and measouris That all Bwsmeris be merkit with his Majesties mark and all cannes be ansuerable conforme to the scottis pynt and quart And that the Dutche Merchandis barrellis and all utheris traffeccaris be of sufficient bind And that thair ry mail barrellis be weil packit contening aucht lispund and ane half lispund mail And the contravenaris heirof to pay ten pundis for the first falt and double the said paine sa oft as they sall happin to contravein thereafter And that by and attour the paines contenit in the actis of Parliament maid theranent And punishment to be inflictit upoun thame conforme therto. -

5. *Anent vagabondis and beggaris of woll.*—Item It is statut and ordanit that na outland nor inland beggeris of woll fishe and cornes of honest rank sall repair throw the contrey nor ourlay the samen begging steilling rowing and pulling of schein under pretext therof And incais ony sick persones that ar nocht auld decipit and misterfull salbe fund

heirefter begging in maner forsaid That it salbe lesum to the finder and apprehendar to delyver thame to the Bailie of the parochin to be punisheit as idle vagabound persones in the jogis or stockis And gif the bailye sall refus to punishe thame conforme to the premis or utherwayis to present thame to the shirefe or his deputtis he sall pay to the Shircff or his deputtis the sowme of tuentie pundis.

6. *Auent the payment of the lating oxin and scheip.*—Item It is statut and ordanit That all sick landis as hes bein in use and custome of payment yeirle of ye lating oxin and scheip at ony tyme sen ye first impositioun sall pro rata pay the samen for releiff of the comones and pure anis notwithstanding of ony immunitie or oursicht they have haid in tyme bygane.

7. *Auent quhytred eraw corbie and earne.*—Item It is statut and ordanit be the advyse foirsaid with consent of the ministrie that everie bound bailye minister and gentilman sall present this nixt yeir allanerlie to the heid court the first tysday of August aither the heid of ane quhytred eraw corbie or earn or ony of the fowlis egis in maner efter devydit, viz. ilk bound ane heid or ege or the soume of xij s̄ money Ilk minister thrie heidis or thre egis or the soume of xxxvj s̄ money Ilk gentlemane four heidis or four egis or the soume of xlvij s̄ money And ilk bailie sax heidis or sax egis or the soume of iij ti xij s̄ money And that the names of the parochineris be inrollit be the baillies and the heidis or egis to be inbrocht be thame conforme to this present act.

8. *Contra Repaireris to Brassay.*—Item It is statut and ordanit that in all tyme cuming no persones or persone sall repair to the sound nor Isle of Brassay for furnishing of beir viveris and uther necessaris to the Hollanderis and utheris foirrennaris committing thairby villanie fornicatioun and adultrie under the paine of tuentie pundis *toties quoties* as

they sall happin to be challengeit And that the awneris of the ground sall dimolishe all houssis bigit nor sall suffer nane to be bigit nor mak residence thair to the effect foirsaid under the lyk paine of xx lib.

9. *Aneut the Holmes.*—Item It is statut and ordanit that gif it salhappin ony man to be tryit or fund in ane uther manis holme be day or nycht upoun quhatsumever pretext without licence of the owner and speciallie in the holmes now pertening to the Kingis Majestie without licence of the keepers therof he salbe haldin for the first falt to pay the soume of x li and for the secund the soume of xx li and for the thrid he salbe haldin reput and punishit as a commoune theiff.

10. *Aneut gude nychtbourheid.*—It is statut and ordanit that gude nychtbourheid be keipit amangis nychtbouris in ilk parochin in all tyme cuming in bigging of ther dykis yeirlie and putting of the swyne to the hill before the fyftein day of Aprile keeping and hirding of the sheip befor the said day And in keeping of the nolt horse and uther bestiall afor the first day of Maij under the paine of xl s̄ money to be payit to the Shiref or his deputtis And incais of contravening and breking heiroy sa that nychtbouris be dampnyfyit and hurt be utheris in nocht tymous dyking keeping and hirding as is abonewrittin In that cais the contravenaris to pay to the partie interest and skaythit as followis To wit befor Lambas sall pay for ilk sheip tua s̄ for ilk suyne x s̄ and for ilk hors meir or nolt four s̄ *toties quoties* And efter Lambas sall pay the double of ilk pane *toties quoties* as they or ony of thame sall happin to be within dykis and lawfullie tryit before the baillie of the parochin to have bein in thair nychtbouris skayth the dykis always being maid lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie It salbe lesum to him to poynd and uplift the saidis paines And that by and attour the comprysing of the said skaith and payment of the samen conforme to the daylie practique observit in sick caisis.

11. *Anent sheip doggis.*—Item It is statut and ordanit that it sall nocht be lesum to ony man to keip sheip doggis bot sick persones as salbe approven and allowit be the bailye and parochinaris qubais names ar tain up in ilk parochin alreddie And for the qubilk doggis thay salbe haldin to ansuer under the paine of x li by the payment of the loissis and to be done be thame conforme to the law and practique.

12. *Anent grindis and yettis.*—Item It is statut and ordanit that all grindis and yettis in all hie wayis salbe cloisit be all passingeris that enteris therby in sick sort as they opin the saidis grindis and yettis Thay salbe haldin incontinentlie to cloise the same agane under the paine of xl s̄ *toties quoties* And that no comone grindis nor yettis be stopit or cloisit up that hes bein of auld and yit necessar and neidfull to be under the paine of x li s̄.

13. *Anent going through thair nychtbouris scattell.*—Item It is statut and ordanit that it sall not be lesum to ony persone or persones at any tyme of day bot especiallie afor the sune rysing and efter the sune setting to go through his nychtbouris scattell or comontie with ane scheip dog Except he be accompanied with ane or twa nychtbouris famous honest men And gif he be fund contrar to the tenour heirof he salbe haldin to pay for the first falt the sowme of vj ðib money and the dog to be hangit And it nocht to be lesum to him to have ane scheip dog thairefter under the paine of four angellis And gif he be fund the secund tyme nocht accompanyit as said is he sall pay sax angellis And gif the thrid tyme or gif he salbe fund under cloud of nycht beand ony wayis suspect the samen beand proven he salbe reput and haldin ane and punishit as ane comone theiff.

14. *Anent ranselling.*—Item It is statut and ordaneit for eschewing and tryell of thift in tyme cuming that it salbe lesum to the partie

interest with the baillie or officiar of the parochin or tua or thrie honest men to be chosen be thame to ransell seik and searche all houssis and suspect places within the samen And incais of nocht finding or suspicioun to pas to the nixt parochin or beyound the same And ordanes the baillie of ilk parochin or officiar to concur with the partie interest in maner foirsaid for apprehending thairof as they will eschew to be reput and haldin partakeris of the said cryme.

15. *Anent rowing of sheip.*—Item It is statut and ordanit that it sall nocht be lesum to no maner of persone nor persones to rowing ony scheip unto the tyme they be lawfullie warnit be the baillie of the parochin to ane competent day as they will eschew to be reput and haldin as theiffis and punishit conforme therto.

16. *Anent Peddereris.*—Item It is statut and ordanit that all pedderis chapmen or utheris byaris of hyddis skinnes or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin or to tua famous and honest nychtbouris within the boundis quhair they sal happin to buy the same and shaw to him or thame the hydis skines or woll And fra quhome they coft the samen Lykas the seller salbe haldin to do the samen Or incais aither the buyer or seller refuse to give thair aithis of veritie to the bailie of the parochin being requyrit be him to that effect It salbe lesum to the said bailie to confiscat the saidis guidis to the shireffis use.

17. *Anent Flescheouris.*—Item It sall nocht be lesum to no fleshouris nor na utheris byaris nor slayeris of fleshe to sell to na inhabitant within the contrie nor outwith the samen the saidis fleshis unto the tyme they cum to the Bailie or tua honest nychtbouris and shaw thame the beast the merk And the manes name fra quhome they coft the samen quha salbe haldin to comitt the byaris name in wryt together with the

beast and merk therof And fra quhom and at quhat tyme the samen wes bocht as the slayeris and sellaris of the bestiall will eshew to be reput and haldin as stellaris therof and punished thairfor as accordis.

18. *Anent transporting of Servandis.*—Item It is statut and ordanit In respect of the scarcitie of servandis to labour the ground and the punishment of theiffis and utheris malefactoris That na maister skiper nor ony of the acquippadge of ony bark boat crear or ship sall transport ony bound manes servant or boy furth of the contrey without licence of the schireff or in his absens without ane sufficient testimoniell of the minister and baillie and thrie or four honest famous men of the parochin within the quhillk he or they sall happin to duell for the tyme under the paine of j^c lib.

19. *Anent hyring of Servandis.*—Item It is statut and ordanit that nane fie hyre nor conduce ane utheris manis servand except they be dischairgit be the maister or that they have dischairgit ther maisteris lawfullie fourtie dayis befor ane lawfull terme Nor that nather gentlemanis boundis man nor na uther receive ony sick persones nor give thame hospitalitie nor intertenement nor yit set to thame housis nor receive support nor suplie ony vagaboundis idle men nor unlawfull wemen wnder the pane of x li *toties quoties*.

20. *That na man by nor sell with ane uther manis servand.*—Item It is statut and ordanit that na man seduce by bargane nor sell with ane uther manes servand by the kuawledge of his maister as they will eschew to be punishit as receptoris of thift And it being tryit the geir to be restorit to the rycht awner but repayment of the prices therof.

21. *Anent ryding of uther manis horsis &c.*—Item It is statut and ordanit that quhatsumevir persone salbe apprehendit or tryit to have

riddin ane uther manes hors without licence within the parochin quhair the awner of the horse duellis sall pay to the scheriff four merkis scottis money And to the partie interest the soume of uther four merkis And if he be fund and apprehendit ryding ane uther manes horse outwith the parochin quhair the awner of the horse duellis salbe haldin to pay the double of the said paine And forder according to the distance of place from the parochin out of the quhilk the said horse salbe takin sall triple quadruple and augment the said paine effeirand to the seuerall parochines quherthrow they sall happin to ryd the said horse And Lykways it sall nocht be lesum to ony man to cut or steill ane uther manes horsis taill under the paine of x li And gif the rydearis cuttaris or steillaris forsaid sall have no moyane to satisfie the saidis penalties proportionallie as abonewrittin they to be punishit in ther persone effeirand to the deid and offence at the discretioun of the Judge.

22. *Anent boitis hyris.*—Item It is statut and ordanit with advyse and consent foirsaid That all men be sufficientlie provydit in boitis for serveing of his Majesteis leiges in ther lawfull and necessar adois upoun thair ressonabill chairgis for payment of sick competent fraucht as efter followis under the paine of x li To wit at Bruna sound ij s̄ From Vnst of Gudshyre in Zell or Fetlar or ather of thame 4 s̄ From Vnst to Reafirth in Zell sex s̄ Frome Reafirth to Setlar four s̄ Fra Lunafirth aucht s̄ For Zell sound to Biga four s̄ Zell sound to Northmavin aucht s̄ Fra Glus to Caldback fyve s̄ Fra Bræ to Aith aucht s̄ Papa sound ij s̄ Fra Bigsetter to Skalloway xij s̄ the ferrie at the kirk of Wiesdaill tuelf pennyes Fra Skalloway bankis to Mawick tuelf s̄ Fra Mawick or fra Skalloway to Hous sex s̄ Brassasound tua s̄ Quhailsay sound sex s̄ And fra Wassie to Glames to Laxfurde thrie s̄ Lykas it salbe lesum to all sick persones as hes boitis and nocht servandis to serve the liegis To charge sick nychtbouris as may convenientlie to serve upoun ressonabill daill of fraucht under the pane of xl s̄ And In cais of wilfull re-

fusall of the boitsman It salbe lesum to the passinger or passingeris to tak the boitis for the transporting but danger of spulzie The passingeris alwayis at thair landing placing the boit saiflie And this but prejudice of that service dew to Schireff Comisser or ther servandis and utheris his Majesteis Commissioneris And but prejudice of dew and thankfull service in transporting of the Ministerie ouer the foirsaidis ferries and vtheris necessar sound or vois for serveing of the cures conforme to the lovable custome observeit in tymes bygane.

23. *Aganes concilling of thift &c.*—Item It is statut and ordanit that na persone nor persones of no rank qualitie nor degrie sall hyde nor conceill ony kynd of thift sorcerie nor witchcraft bluid wrang injurie roberrie nor oppressioun wrak or ony kynd of waith Bot sall impart shaw and delait the same to thar Bailies or to the Sheriff deput as they will eshew to be reput and haldin as partakeris therof and punishit therfor conforme to the lawis and practique of this realme.

24. *Contra Bailies oppressoris.*—And finallie It is statut and ordanit be the said Sheriff that the bailyeis of ilk parochin sall mak publicatioun heirof in ther parochie kirkis quherby nane pretend ignorance of the premissis And that they sall put the saidis actis and euerie ane of thame to dew executioun In the haill heidis articles and claussis therof ffor maintenance of Goddis worship the reverend obedience of his Majesteis most royall and supreme auctoritie and lawis And for the peax and guid of the Inhabitantis of the land And incais it sall happin the saidis baillies or ony of thame to be tryit and fund to have oppressit or wrangit ony persone or persones within thair bailyearie by exacting of unlawfull services feastis or bankquettis or be taking of buddis or brybis for perverting of justice Or in ony sort in oppressing the pure or doing of ony uther deid of the lyk nature and qualitie contrar to equitie and reassoun In that caise he salbe haldin to repair the wrangis at the sicht and

discretioun of the Shireff deput and salbe estimat unworthie to bear office or credite in tyme cuning And that by and attour the dew punishment to be inflictit upon thame according to the demerite of the fact.

7 November 1615.

Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in nova domo prope palatium de Yeardis ibidem per honorabiles viros viz Henricum Stewart de Carlougie et Magistrum Colinum Levingstoun vicecomites deputatos dicti vicecomitatus septimo die mensis Novembris anno domini Millesimo sexcentesimo decimo quinto.

Curia tenta et legittime affirmata.

Anent the preamble and caus of the Actis following.—The quhilk day Forsameikle as sinne and iniquitie is and hes bein the caus of Godis heavey plaigues and judgmentis and the caus of great desolatioun in kirk and policie within this cuntrey for laik of discipline and putting of the actis of the kirk quhilk hes bein meikle compleinit in tymes past to dew executioun And siclyk that thair hes bein great ignorans of his sacred Maiesties royall and supreme authoritie in practising of forren and uncouth lawis contrair to the Actis of parliament and secreit counsall maid thairanent And likewayes that thair hes bein great desolatioun in the commoun weill trouble dissordour injuries and wrangis amongst the inhabitantis of the land for laik of government administratioun of justice and putting of the samen to dew executioun THAIRFOIR it is statut and ordanit be the saidis shirref deputis with advys and consent of the gentilmen suiteris of court and commounis All with ane adrys consent and assent as efter followis.

1. *Anent the putting of the Actis of the kirk to executioun.*—In the first It is statut and ordanit for punishing of sinne and vyce that the actis of the kirk maid and to be maid be the Ministerie and thair sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk And to this effect that the baillie of ilk parochin and his officar concour and assist thair Ministeris elderis and thair officaris in putting of all such actis and statutes maid or to be maid in thair sessioun of kirk to dew executioun as said is for mainteinance of Godis worship keeping of the Sondagis suppressing of all idolatrie speciallie of walkis and pilgramages and all vtheris vyces and punishing of persones refractarie and dissobedient to thair discipline under the pain of deprivation and payment of fourtie pundis to be employed *ad pios usus*.

2. *Anent the obedience to his Majestie and lawis and provision for Armour.*—Item It is statut and ordanit that all manner of persones of quhatsumever rank qualitie and degrie sall honor thair dreid Souerane the Kingis Majestie and submit thame selfis with all reverence to his authoritie in obeying his lawis disclameing and renunceing all forren lawis actis statutis and constitutiounis quhatsumever observit heirtfoir under the painis contieit in the actis of parliament and most honorabill privie counsall maid thairanent And that all men according to thair rank and degrie provyd thameselfis of sufficient armour according to thair estait and be in redines to serve his Majestie and deputtis present or that salbe for the tyme for suppressing and withstanding the incursiounes of pirrotis and utheris tumultuous persones as they wilbe ansuerable upon thair hiest perrell.

3. *Anent the cairfull directing of the Corse.*—Item it is statut and ordanit to the effect foirsaid that ilk hous and familie sall carefullie and diligentlie direct the corse according to the order and custome to his nixt nichtbour

with ane sufficient bearer for admonishing the people ather to convein to kirk to preaching and prayeris or for his Majesties service and sick uther necessar causis as salbe thocht expedient be the Minister shirreffis and justiciaris or thair baillies and sall not stay nor lay doun the samen bot direct it with all diligence upon the receipt thairoff under the pain of sax pundis money *toties quoties*.

4. *Anent the marking of Pundleris and Bismeris.*—Item it is statute and ordainit that all pundleris and bismeris be markit with his Maiesties mark betwix and the day of nixtocum under the pain of ten pundis for the first fault and doubling of the said pain sa oft as they sall happin to transgres thairefter and that by and attour the act of parliament maid thairanent and paines conteinit thairintill and punishment to be inflictit upon the contraveineris thairof conforme thairto.

5. *Anent the weicht of Caschies.*—Item it is statut and ordainit that na caschies be hevier than ane half setting weicht conforme to the old statutes maid thairanent under the pain of ffourtie shillingis for the first fault and doubling thairof for the second fault and confiscatioun of the victuall conteinit thairintill for the thrid fault And that by and attour the punishment of thair persones at the will of the Judge.

6. *Anent guid Nichtbourhead.*—Item it is statute and ordanit that guid nichtbourhead be keipit amangst nichtbouris in ilk parochin in all tyme cumming in bigging of thair dykis geirlie and putting of thair swyne to the hill befor the fyftein day of Apryle keeping and hirding of thair sheip befor the said day and keeping of thair horsis nolt and vther bestiall befor the first day of May under the pain of fourtie shillingis monie to be payit to the Shirreff or his deputtis And incais of contraveining and breking heirof so that nichtbouris be dampnyfied and hurt be utheris in not tymous dyking and hirding as is abonewretin In that

cais the contraveineris to pay to the partie interest and skaithit as followis To wit befor Lambes sall pay for ilk sheip tua shillingis for ilk swyne ten shillingis for ilk horse meir and nolt four shillingis *toties quoties* and efter Lambes sall pay the double of ilk pain *toties quoties* as they or ony of them salhappin to be fundin within dykis and lauffullie tryit be the baillie of the parochin to have bein in thair nichtbouris skaith the dykis alwayes being maid lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie it sall be lesum to him to poynd and uplift the saids pains and that by and attour the comprysing of the skaith and payment of the samen conforme to the daylie practique observit in sick caisis.

7. *Anent commoune Grinds and Cloising thairof.*—Item it is statute and ordanit that all grinds and yettis on all wayes salbe cloiset be all passingeris that enteris thairby in sik soirt as they opin the saids grinds and yettis they salbe haldin incontinentlie to cloise the samen agane vnder the pain of fourtie shillingis *toties quoties* And no commoune grindis nor yettis to be stopped nor cloisit vp that hes bein of auld and yit necessar and neidfull to be under the pain of ten pundis.

8. *Anent feing of uther menis Servandis.*—Item it is statute and ordanit that it sall not be lesum to ony persone or persones to fie hyir nor conduce ane other manis servand except that they be dischargit be thair Maister or that they dischaarge thair masteris lauchfullie fourtie dayis befor ane lauffull terme And that nayther gentilmen boundmen nor na uther resave ony sik persones nor give thame hospitalitie nor interteneing nor yit set to thame housis nor resave suppoirt nor supplie ony vagaboundis idle men or vnlauffull weemen vnder the pain of ten pundis *toties quoties*.

9. *Anent rancelling for Thift.*—Item it is statute and ordanit for eschew-

ing and tryell of thift in tyme cumming that it salbe lesum to the pairtie interest with the baillie or officiar of thair parochin or tua or thrie honest men to be chosin be him to rancell search and seik all housis and suspectit places within the samen And if neid be incais of suspicioun to pas to the nixt parochin beyond the samen And to this effect ordanes the baillie of ilk parochin or officiar to concur with the pairtie interest in maner foirsaid for apprehending thair of as they will eschew to be reputt and haldin as partakeris of the said cryme.

10. *Anent the Ryderis of uther mens horssis and cutting of the taillis thair of.*—Item it is statute and ordanit that quhatsumevir persone salbe apprehendit or tryit to have riddin ane uther manis hors without licence of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the shirreff or his deup the sowme of sax pundis and to the pairtie interest the sowme of uther sex pundis And if he be fund outwith the parochin quhair the awner duellis sall pay the double of the said pain And forder according to the distance from the parochin out of the quhilk the said hors salbe takin sall triple quadruple and augment the said pain effeirand to the seuerall parochines quairthrow they sall happin to ryd the said hors Lykwayis it sall not be lesum to ony person to cut or steall ane uther manis horstail vnder the pain of ten pundis And if the ryd-aris stellaris and cuttaris foirsaid sall haue na moyen to satisfie the said penalties proportiounallie as is abonewrittin they to be punishit in thair persone effeirand to the deid and offence at the discretioun of the Judge.

11. *Anent buying and selling with uther menis Servandis.*—Item it is statutit and ordanit that na man seduce by bargane nor sell with ane uther manis servand by the knowledge of his master as they will eshew to be punishit as resetteris of thift And it beand tryit the geir to be restorit to the richt awner but repayment of the pryce thair of or thingis resauetit for the samen.

12. *Anent slaying and selling of Flesche.*—Item it is statuit and ordanit that na fleshers nor utheris buyeris and slayeris of flesh sall sell to na inhabitant within the toun nor outwith the samen the said fleshis untill the tyme they cum to the baillie of the quarter and shew him the beist the mark and the manis name fra quham they coft the samen quha salbe haldin to give up the buyaris name in wreit together with the beast and mark thairof and fra quhom and at what tyme the samen wes coft as the slayeris and selleris of the said bestiall will eshew to be reput haldin and punishit as steilleris thairof.

13. *Anent sluggish and idle persones quha under cullar of merchandice committis thift.*—Item ffor sameikle as thair is many inconstant sluggish and idle persones quha leaveing service gives themselves to traffik and play the merchand and attends the repairing of shipps and straingeris to reidis and usuall places and resoirtis and gois on shipbuid under cloud of nicht or priuatlie vnder cullour of buying and selling of merchandice or guids under the pretext quhairof they pyk and steallis baith fra the cuntrey people to sell to thame and fra thame to sell to the cuntrey people For remeid quhairof it is statuit and ordanit that na sik persone nor persones sall hant traffique or repair on shipbuid of ony strainger or dogger for buying or selling of merchandice or guids under whatsumeuer cullor or pretext bot sik as salbe allowit and approvin of the baillie of the parochin quhairin they duell And for quhom the said baillie or ane or tua speciall honest men of the parochin salbe ansuerable under the pain of fourtie shillingis and warding of thair persones for the first fault and doubling of the said pain for the second fault And sa furth tripling and quadrupling the said pain and punishment sa oft as they sall happin to cum in the contrair heirof.

14. *Anent the resoirt of Beggaris and Forreneris to Zetland &c.*—Item ffor sameikle as it is hevilie compleinit by the inhabitantis of Zetland of

the great resoirt and repair pairtlie of sturdie beggeris and pairtlie of puir vagabounds from Orkney Caithnes and uther forren places quha sorns beggis and overlayis the cuntrey begging pyking steilling and oppressing the inhabitantis thairof Thairfoir it is statute and ordanit that na master of ship bark boatt nor crear transport ony sik persones nor na utheris quha under cullor and pretext to pley the merchand intends to resoirt to the said cuntre to buy the commodities thairof in prejudice of the payment of his Majesties rentis but ane sufficient testimoniall or warrand of the Shirreff or his deputtis grantit and haid to that effect vnder the pain of tuentie pundis money.

15. *Anent the disposing of the commodities of the Cuntrey.*—Item fforsameikle as his Majesties Chalmerlanes ar meikle interest and prejudgit yeirle be the tennentis takismen and utheris addebtit in the yeirle payment of the fruittis rentis and dewties dew to be payit be thame be selling of thair bestiall butter vlie and victuall befor the saids chalmerlanes be satisfeit and payit Thairfoir it is statute and ordanit that na sik persone nor persones sall sell annalie dispone nor put away [any bestiall butter or vlie before St Androis day] yeirle nor ony victuall beir malt or meall quhill the feast of Lambes yeirle that his Maiesties rentis be satisfyit and payit vnder the pain of xl lib and that by and attour the deirest prices and hiest fier that can be exactit of thame be law (except the toun of Kirkwall) or that ane licence be grantit vpon ressonabill cause.

16. *Anent the resoirt of uncouth Beggaris.*—Item fforsameikle as thair is great repair of puir straingeris idle and vagabound persones that overlayis the cuntrey quha hes not bein borne nor brocht vp within the cuntrey contrair to the tenor of the lovable lawis maid thairanent Thairfoir it is statute and ordanit that na man suppoirt supplie nor interteine the saids persones nor grant hospitalitie vnto thame vnder the pain of

fourtie shillingis And siclyk that na man transpourt nor bring in the cuntry ony sik persones in tyme cumming under the lyk pain of fourtie shillingis And that conforme to the saids actis the saids persones and euerie ane of thame may repair to thair awin cuntry and parochines And that euerie parochin interteine supplie and sustein thair awin puir according to the will and meaning thair of in all poyntis And incais ony sik persone salbe fund in going heirefter outwith thair saidis parochines that it salbe lesum to the finder and apprehender to present thame to the baillie of the parochin to be punishit as idle vagabounds in the joggis or stokis And gif the baillie sall absent himself or refuse to caus punish thame conforme to the premis or to present him to the Shirreff or his deputtis present or that sall happin to be for the tyme he salbe baldin to pay to the Shirreff or his deputtis the soum of tuentie pundis.

17. *Aient the conceilling of sinne.*—Item it is statute and ordanit that na persone or persones of na rank qualitie nor degrie sall hyd nor conceill ony kynd of thift sorcerie nor witeheraft bluid wrang injurie roberie nor oppressioun wraik or wraith bot sall impair shaw and delait the samen to thair baillies or to the shirreff deput as they will eshew to be haldin and reput as pertaikeris thair of and punishit thairfoir conforme to the lawis and practique of this realme.

18. *Aient the putting of the fairsaids actis to executioun.*—And finallie it is statute and ordaneit be the said shirreff deputtis that the baillie of ilk parochin sall mak publicatioun heirof at thair paroch kirk quhairby nane pretend ignorance of the premis And that they sall put the saids actis and euerie ane of thame to dew executioun in the haill articles and clausis thair of for manteinance of Goddis worship the reverend obedience of his Majesties most royall and supreme authoritie and lawis and for the peace and guid of the inhabitantis of the land And incais it salhappin the saids baillies or ony of thame to be tryit or found to have oppressit.

or wrangit ony persone or persones within thair baillierie be exaeting of unlawfull service or be taking of buddes or brybes for perverting of justice or in ony soirt in oppressing the puir or doing of ony uther deid of the lyk nature and qualitie contrair to equitie and resoun In that cais they salbe haldin to repair the wrangis at the sicht of the Shirref deput and salbe estemit to be unworthie to beir office or credit in tyme cuming and that by and attour the dew punishment to be inflictit to thame according to the demerit of the fault.

Curia Justiciarie Vicecomitatus de Orknay tenta apud Kirkwall in nova domo prope Palatium de Yeardis ibidem per honorabilem virum Henricum Stewart de Carlougie Justiciarium ac Vicecomitem deputatum dicti Vicecomitatus die duodecimo Martii 1616.

Curia tenta et legitime affirmata.

Elspeth Reoch tried for Witchcraft.—The quhilk day anent the dittay criminall gevin in and persewit at the instance of Robert Coltart procurator fiseal of the said sheriffdom Aganes Elspeth Reoch doechter to unquhill Donald Reoch sumtyme pyper to the Earle of Cathnes ffor certane poyntis of dittay of witchcraft underwritten That is to say In the first for airt part using committing and practising of the abominable and divilesh cryme of witchcraft in giveing ear and credite to the Illusionses of the Devell Quharby scho fenyeit hirsself dumb And illudit and deceaveit his Majesteis subjectis in maner underwritten viz In the first for that sho confest that quhen shoe wes ane young las of tuelf yeiris of age or therby and haid wandereit out of Cathnes quher sho wes borne to Lochquhaber ye cam to Allane M^rKeldowies wyfe

quha wes your ant And haveing remaneit with her be the space of aucht weekes quho duelt with hir husband in a Loch That she upon ane day being out of the loch in the contrey and returning and being at the Loch syd awaiting quhen the boit sould fetch hir in That thair cam tua men to her ane cled in blak and the uther with ane grein tartane plaid about him And that the man with the plaid said to her she wes ane prettie And he wald lerne her to ken and sie ony thing she wald desyre The uther man said she wald nocht keep counsell and foirbaid him He ansuerit he wald warrand hir And she being desyrous to know said how could she ken that And he said Tak ane eg and rost it And tak the sweit of it thre Sondagis And with onwashin handis wash her eyes quhairby she sould sie and know ony thing she desyrit And to persuade hir he directit her to ane auuttis hous of hir awin quha wes ane widow that haid ane oy that wes with chyld to ane uther wyffis husband onknawen to ony And quhen she cam she sould luik in hir face and tell hir she is with bairne to ane uther wyfes husband And sa within a short space therefter going to hir Aunttis hous how sone she saw the young woman she said she wes with bairne as the man had said to hir And shoe denying said to hir she wald repent it within a short space Thairefter the young woman considering that she knew hir estait desyrit sum cure at hir that she nicht part with bairne Quha ansuerit she could give her nane Bot remembering that she wes cum in to Allane McKeldowies hous that day that the tua men came to hir That he haveing speirit at her quhat men thois wer that wer with hir at the Loch syd And quhat they haid said to her And she denying he foirbaid you to fear For they wer freindis of his quha wald do hir no hurt And that he knew quhat they said to hir So she remembering that Allane had skill she said to the young woman that he wald help hir Quherupoun she and she gaid together to the Loch And spak with him quha refusit to give hir ony thing to slay the bairne And thairefter within tua yeir she bure her first bairne quhilk wes gottin be ane James

Mitchaell at the kirk of Murthlie upoun Spey within Balveny And being delyverit in hir sisteris hous the blak man cam to her that first came to hir at Lochquhaber And callit him selff ane farie man quha wes sumtyme her kinsman callit Johne Stewart quha wes slane be McKy at the doun going of the soone And therfor nather deid nor leiving bot wald ever go betuix the heaven and the earth quha delt with you tua nychtis and wald never let her sleip persuading hir to let him ly with hir wald give yow a guidly fe And to be dum for haveing teacheit hir to sie and ken ony thing she desyrit He said that gif she spak gentlemen wald trouble hir and gar hir give reassounes for hir doings Quhair-upoun she mycht be challengeit and hurt And upoun the thrid nycht that he com to hir she being asleip and laid his hand upoun hir breist and walknit her And thairefter semeit to ly with her And upoun the morrow she haid na power of hir toung nor could nocht speik quhair-throw hir brother dang hir with ane branks quhill she bled becaus she wald nocht speik and pat ane bow string about hir head to gar her speik And thairefter tuik her three severall tymes Sundayis to the kirk and prayit for hir Fra the quhilk tyme she still continewit dumb going about and deceaveing the people Synding telling and foir shawing thame quhat they had done and quhat they sould do And that be the secund sicht grantit to hir in maner fairsaid She saw Robert Stewart sone naturall to umquhill Patrik sumtyme earl of Orkney with Patrik Traill to quhom she was with bairne and certane utheris with towis about thair craigis in Edmond Callendaris hous at ther efternoones drink befor the Earl of Caithnes cuming to the cuntrey And that be plucking of the herb callit Merefow quhilk causis the nose bleid He haid taucht hir to tell quhatsoever sould be speirit at hir Be sitting on hir rycht knie and pulling and pilling it betuix hir mid finger and thumb And saying of *In nomine patris filii et spiritus sancti* be vertue quherof sche haweit ane bairne to Magnus Sinclair in Sorne at the desyre of his wyf At quhilk tyme on yule day she confest the devell

quhilk she callis the farie man lay with hir At quhilk tyme he bade hir leave Orkney and go home to her awin contrey becaus this countrey wes Priestgone quhilk he exponit that ther wes our mony Ministeris in it And gif she taryit she wald be hurt AND forder for airt part useing hanting and conversing with the Devell at diverse and sindrie tymes and at severall partis &c &c as at mair lenth is contenit in the saidis dittayis The said procuratour fiscall being personally present and the said defendar being lykways personalie present quha enterit ou pannall haveing no lawfull caus quhy she sould nocht pas to the knowlege of ane assyse Quhairupoun the procuratour fiscall desyring the dittay is to be put to the knowlege of ane assyse and the pannall to be accusit therupoun Efter accusatioun the said Elspeth confest the hail poyntis of dittay abonewrittin And therfor the Judge remittit the dittayis to the knowlege of ane assyse quham he ordanit to be callit.

NOMINA ASSIS.E.

Mr Robert Henderson of Holland	Patrik Vans merchand
Mitchaell Balfour of Garth	Magnus Craigie merchand
James Hendersone	John Sinclair merchand
Thomas Knychtsone	Jerome Chalmeris skiper
David Moncreiff merchand	William Carmichaell merchand
	William Bannatyne of Gairsay
	Robert Sinclair merchand
	Mitchaell Chalmeris merchand
	David Ker Kirknes cordiner
	James Deldall merchand
	Patrik Cromertie meriner

Quhilk persones of assyse being receaveit admittit and sworne but lawfull objectioun of the pannall and removeit out of Judgement nominat

and ellectit William Bannatyne of Gairsay chancellor And efter dew deliberatioun haid anent the dittayis produceit and haill poyntis therof And reentering on judgement agane the haill assyse be the mouth of the said chancellor fyllit the said Elspeth of the haill poyntis of dittay abonespecifeit And remittit sentence to the Judge and dome to the Dempster Quhilk deliberatioun the Judge than present acceptit And decernit and ordanit the said Elspeth Reoch to be tane be the lockmane to the place of executioun betuix and thrie efter none and to be wirryet at ane staik quhill she be deid And thereafter to be burnt in assis Quhilk the Dempster gave for dome.

Apud castrum de Scallaway bankis Penultimo Julij 1616.

Act anent the tyme of the Heid Court.—The quhilk day The said Shiref deput with consent of the haill gentlemen sutteris of Court comountie and bailyeis Ordaines the heid court to be and begin In all tyme cuming vpoun the last Tysday of July.

Ultimo Julij 1616.

Act anent payment of the Wedmell.—The quhilk day It is statut and ordanit that the wedmell sal be payit yeirlie In tyme cuming The first day of July.

Ancient slaying of the Earne.—Item It is statut and Ordanit with consent foirsaid that quhatsumeuer persone or persones sal happin to slay ane Earne and delyuer the samen to the bailzie of the parochin within the quhilk sho sal be slaine The said Bailzie sall caus the persones

Indwelleris within the scattell quharin she beis slaine To give the slayer therof ane sheip or pryce therof.

Apud Burrostow in Wallis 27 Junij 1617.

Act aenct wyld horsis.—The quhilk day It is statute and ordanit be the said sherif deput with consent of the haill comounes convenit at the said court that ther sal be na wyld horsis keipit conforme to ane act maid of befoir and that na man sall put thair horsis without dykis uncloggit In tyme cuming fra the last day of Majj to the tyme the cornes be put in the yeard under the paine of xl s̄ *toties quoties* as thay sal be apprehendit or takin in the contrar.

Act aenct poundit guidis.—Item it is statut and Ordanit that na man refus to louse thair guidis being poyndit and lawfullie advertaised therof within sex houris thereafter thaj be aduerteised And the skaith being comprysit That thay give satisfacioun And that thay suffer nocht thair guidis being advertaised as said is to stand xxiiij houris thereafter under paine of v li *toties quoties* And if it sal happin the saidis guidis poyndit to befall ony skayth the poynder therof to incur na danger therby.

Act contra takeris away of poundit guidis.—Item it is statut and ordanit that na man sall tak away thair guidis furth of ony manes pound the samen being lawfullie poundit privatlie or publictlie be nycht or day without leive of the pounder therof under the paine of x li.

Apud Scalloway bankis penultimo Julij 1617.

Act aenct Drunkards.—The quhilk day It is statut and ordanit be the said sherefdeput with consent of the haill gentlemen sutteris of court

and comones convenit for the tyme That quhatsumever persone or persones beis fund drunk outwith his ludgeing In tyme of lawting sall pay the soume of vj li money *toties quoties* as they sal happin to be fund so to be imployit *ad pios usus* conforme to ane act maid of befoir Quhair-upoun the procurator fiscall askis actis.

Act anent the Wedmell.—The quhilk day the said sherefdeput Ratiffies with consent fairsaid the act maid of befoir in the month of August 1616 yeiris anent the payment of the wedmell yeirlie the first day of July under the paine of xij li money for ilk pack therof.

Anent chapmen and pedderis.—The quhilk day forsamekle as ther is diuers and sindrie persones strangeris quha oppressis his Majesties leigis behaveing thame selues as chapmen and pedderis accompanied with thrie or four at thair backis with swordis and wappounes invasive boasting and minaceing the people and compelling thame to serve thame our ferries and exacting hospitalitie of thame per force Thairfoir it is statut and ordanit In all tyme cuming that no sik persones travell throuhout the country nor na part therof unto the tyme thay come to the sherefdeput for the tyme and find caution of thair guid behaviour towards the leiges under the paine of xl li And that nane of the Inhabitantis of the said contrey ressaue ony sick persones in thair houssis nor give thame hospitalitie nor seruice for money nor uther wayis without the shereffis testificat under the paine of x li.

Anent poundit guidis.—Item that na man refus to lous thair guidis being lawfullie poundet and lawfullie aduerteised thair of within sex houris efter the said aduerteisement Bot that thay aggrie and gif satisfioun to the partie and receive thair guidis within the said space under the paine of xl s And if ony man sall deny the guidis lawfullie poundit to be thairis And thairefter the contravener be tryit sall pay the soume

of vj li the ane half to the shereff and the uther to the partie And gif ony persone or persones quhais guidis sal happin to be lawfullie poundit sall brek the said pound and privilie be day or nycht steill the saidis guidis away furth thairof without licence of the pounder In that cais the breker sall pay the soume of x li the ane half to the partie and the uther to the Judge And that by and attour the sattisfactionn of the skayth done be the guidis the samen being apprysit Quharupoun the Procurator fiscall askit actis of court.

In castro de Scalloway bankis 26 Julij 1620.

Ratification of the actis anent the Earne &c.—The quhilk day the said sherefdeput with consent of the hail gentlemen and sutteris of court Rattiffies the actis maid anent the ernes corbies quhittrettis and crawis and ordanes the same to stand for this yeir nixt.

Apud Kirkwall Vigesimo quarto Januarij 1623.

Act anent the Pennylandis.—The quhilk day the Shiref gentilmen and bailleis of the earldome being present for the tyme efter ane exact enumeratioun of the pennylandis within the said earldome of Orkney and collectioun of fyve schillingis for ilk penny land of the sam Fand that the fyve schillingis upliftit wald not amount the soume dew to be payit to his Majestie conforme to the actis of Parliament And thairfore all in ane voce consentit and aggregit that sex schillingis sould be upliftit of ilk penny land for this mertimes terme last bypast for supplie and satisfioun of the first and secund termes payment And be Inbrought and deliverit to Walter Ritchie quhill the nixt terme That ane mair strict stent be maid.

Apud Kirkwall Decimo Junii 1623.

Act anent Forstalling and Regrating.—The quhilk day the said Shireff deputtis with consent of the Provest and bailleis of this Burgh haweing consideratioun of the great povertie and necessitie of the pure anes the skairstie and want of viveris for thair intertenement And for the great abuse of foirstalling and regrating of fisches Hes statut and ordanit That no Inhabitant to burgh or land sall repair to Deirnes St Androis parochine of Holme or Paplay for buying of fisches for this present yeir under the pane of x li *toties quoties* And that the saidis parochineris of Deirnes and St Androis that takis slayis and sellis fisches Sall with convenient diligens efter thay cum of the sea repair to the toun with the saidis fisches and sell thame in the mercat under the pane of x lib And siclyk nather pack nor peill at home under the pane of x lib And that thay sell nane to merchandis bot in the toun under the lyke paine Ilk persone *toties quoties* that sall happin to contravene the premissis or ony poynt abonewrittin.

Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in Insula vocata lie Wulhous In templo Sancti Magni ibidem &c septimo et undecimo diebus mensis Novembris 1623.

Curia tenta et legittime affirmata.

Anent selling of victuall butter bear and meall and heary Cassies.—The quhilk day the said sheriff principall with adyce and consent of the gentlemen bayleis of parochines and suitars of court efter long delibera-

tion and good consideratione had be thame for redresse of certane enormiteis and wrongs cruppin in this countrie be iniquitie of tyme to the great prejudice of the samyne and commounweill theroff Ratifeis the generall actis maid of befor And wills and ordanis the samyne to be putt to dew executione in all tyme comeing And in speciall ratifeis that act maid of before that nae man sall sell butter oill nor marts befor S' Androis day nor bear malt nor meall before Lambes day yeirely except to the towne of Kirkwall under the paines therintill contained Item the act maid anent Cassies that nae Cassies be heavier then half a sett in weight under the paines contained in the actis maid theranent.

Anent the selling of wyne.—Item it is statut and ordanit be the Shereff with advyce and consent forsaidis that in tyme coming no sort of wyne sall be sold of ane greater pryce nor they sell the samyn in the brugh of Edinburgh under the pane of xl li^b *toties quoties*.

Anent selling of Ale.—Item it is statut and ordanit with advyce and consent forsaid that nae ale be sold to ane higher pryce then vj d the pynt of xl s̄ malt vij d the pynt of iij li^b malt and 10 d the pynt of iiij li^b malt xii d the pynt of v li^b malt xiiij d the pynt of vj li^b malt and sua furth accordinglie under the paine of xl s̄ *toties quoties*.

Anent hunting in uther mens lynkis and holms.—Item Forsamekle as ther is ane gret abuse in hunting shooting and delving in uther mens lynkis and holms contraire to the acts of Parliament and divers loveable lawis maid of before Therfor it is statut and ordanit be the said shereff with advyce and consent forsaid that nae man hunt with doggis nor nettis nor shutt in uther mens links nor holmes in tyme coming under the paine of xl li^b nor delve in the saids links nor holms nor repair to the saids holms without leave of the owner under the paine of xl s̄ *toties quoties*.

Anent the selling of fishes.—Item it is statut and ordanit be the said shereff with advyce and consent forsaide That nae man sall sell fishes to strangers or pakers or peillers of fishes within this countrie or outwith the samen to be sold againe fra the first of Februar to the last day of May yearlie under the paine of x ðib and frae that furth that they preferre ther nighbouris and sell thair saids fishes to the countrie people for that necessitie and Intertainment before strangers give they require the same under the lyk paine.

Anent selling of butter and utheris be way of regratting.—Item it is statut and ordanit be the shereff with advice and consent forsaide for restraining of regratting that nane buy martis fishes oill butter victuall nor noe sort of vivers at the toun reod nor towne head of Kirkwall nor upon the shore theroff nor within the toun to sell again for ther privie gaine unbrought be any man to be sauld within the toun but bring the samen to the mercatt as they will eschew to be challenged as regrators and punissed therfor conforme to the lawis daylie practised and actis of Parliament maid theranent.

Anent the cutting of bent and slos.—Item it is statut and ordanit be the Shereff with advyce and consent forsaide that nae persone nor persones sall cutt bent nor pull slos in tyme cuming before the feist of Lambemes yeirlie under the paine of x ðib.

Anent setting of land.—Item it is statut and ordainit be the Shereff with consent and advyce forsaide that nae landed man nor boundman sall sett land frae this tyme to anie persone or persones unles they be able with thair ounne goods and gear to labour in the main land and South ylles ane farthing land and in the Northyles ane penny land under the paine of xx ðib.

Anent Sheep doggis.—Item it is statut and ordanit that it sall not be leisum to keip sheip doggis but sik persones as are chosen be the bailiyes and parishoners whose names ar taken up in ilk parochine already and for the quhilk they salbe holden to answeire under the paine of x ðib.

Anent the goeing to the hill.—Item it is statut and ordanit that it sall not be leisum to any man at any tyme of day but specialle efter sun-setting and before sunriseing to goe through his neighbours ologange or comountie with ane sheep dogge except he be accompanied with tua neighbouris famous witnesses And if he be found contrair to the tennor heiroy he sall be holdin to pay for his first fault xj ðib and if the secund tyme xij ðib and if the thrid tyme or under the cloud of night being ony way suspect he sall be reputt holden and punishit as a common theife.

Anent the rowing of sheip.—Item it is statut and ordanit that it sall not be lesum to noe maner of persone to row sheip untyo the tyme they be lawfullie warnit be the baillie to a competent day as they will eschew to be reput and holdin as theiffs and punishit conforme therto.

Ultimo Maij 1625.

Anent the foull horsis in Deirnes.—The quhilk day the said Sheref depute Ratefeit the act maid be the baillie of Deirnes with consent of the parochinaris therof Anent the casting of the foull horsis of Deirnes in the . . . tyme over the craig And ordanit the sam to be put to executioun with this provisioun that It be weil knawin and tryit that the horse is foull.

Act anent the horsis of Deirnes.—Item It is statute and ordanit be the said sheref depute the said day with consent of the suitteris of court

present for the tyme that no man within the said parochin of Deirnes sould sell ony of thair horsis outwith ther parochin to ony uther man for yeir and day to cum under the pane of j^c merk In cais ony man will transport thame to the mercat or ony uthir part of the cuntrie unknawin to the byare.

Act anent the Claneane.—Item It is statute and ordanit be the said sherif depute of consent of the gentlemen and sutteris of court present for the tyme In consideratioun of the Clanane quha ar turnit piratis and suspect to cum in this cuntrie to burne slay and spoill the sam And for preventing of thair Invasioun That Ilk baillie within ilk parochine sall convine thair parochineris for thair better Informatioun anent the said Claneane and proclamatioun maid thairanent And sall give ordour for bigging up of all warthis and watching therat baith day and nycht quha salhaue fewall for fyre to warne the cuntrie And that ilk bound within thair severall parochines salbe in reddines convenientlie provydit in armes and sall ryse with thair said baillie for resisting the said Clanean thair complices and confederatis quhen occasioun sall offer under the paine of ten pund And that Ilk baillie appoint ane chaik watche for attending the ordinarie watche quha incais of sleiping or absens sall pay the lyk paine.

Apud Skallowaybankis in castro ibidem
Septimo Novembris 1625.

Act anent the demolishing of the houssis of Lerwick.—The quhilk day S^r Johne Buchannane of Scottiseraig knyecht justice and shereff principall of Orknay and Zetland being informit of the great abominatioun and wickednes comittit yeirlye be the Hollendaris and cuntrie people godles and prophane persones repairing to thame at the houssis of Lerwick quhilk is a desert place To the venteris of heir thair quha as ap-

peiris voyd of all feir of God and misregarding all ciuell and ecclesiasticall government in thair drunkenes and utherwayis comittis manifest bludshed In hurting wounding and sumtyme slaying utheris and mony tymes hurting wounding trubling and abusing the cuntrie people And also in committing manifold aduultrie and fornicatioun with women venteris of the said beir and utheris women evill Inclyned quha resortis thither under pretext of selling of sokis and utheris necessaris to thame And in the meantyme comittis manifest thift in stealling off purssis from the Hollenderis and sic utheris thingis as thay can lay thair hand on Quhairby enshewis great prophanes and blasphemie of the name of God by leing banning and swearing to cullour thair wickednes and falshead And In consideratioun that the brethren of the presbiterie hes meant this great abuse prophanatioun and wickednes to him Thairfor the said shereff principall efter gud deliberatioun knowing that the houssis of Lerwick ar the retreat of thais prophane persones and the caus of thais abominable sines and wickednes and that thay ar buldit and haldun for gaine at thais evill Inclynit persones handis with consent of the maist part of the awneris of the said houssis Ordaines the said houssis to be utterlie dimolished and downe cassin to the ground be the hail awneris thairof Att the sight off Laurons Sinclair of Hous baillie at Buray and Gilberwick James Sinclair of Skalloway baillie of Tingwall James Kintore baillie of Qulhytnes and Wysdail and Laurens Gifhart baillie of Brassay betuix and the secund day of Februar nixtocum Ilk awiner under the paine of xx lib And siclyk ratifeis and approvis the generall act maid of befor be Mr William Levingstoun lait sheref deput of Orkney and Zetland hail gentlemen and sutteris of court present for the tyme of the dait the thrid day of August 1615 yeiris Quhairby It was statute and ordanit that no persone nor persones sould resort to Brassay Sound for furnishing and wenting of beir to the Hollendaris under the paine of xx *† toties quoties* and that the awineris of the houssis sould demolish thame and sould suffer nane to big nor mak residence thair

at ony tyme thairefter under the lyke paine with this speciall additioun that no women of quhatsumeuer rank or qualitie sall repair to the said Sound syd for selling of sockis to the said Hollendaris or bying of necessaris from thame Bot sall caus thair husband thair sones or servandis sell and buy fra thame As thay will eschew to be repute and haldin commoun and prophane adultereris and punischet thairfoir at all rigour.

Apud Kirkwall Decimo tertio Decembris 1625.

Generall Act anent the resisting of the Enimie.—The quhilk day the Bishop Shirreff bailleis and sundrie gentlemen being convenit for setting downe ordour how the enimie salbe resistit incais of ony Invasioun It is concludit and aggreit upoun That all maner of man sall convine with all possible diligence at Kirkwall in thair best array immediatlie efter as thay sall sie the warth of Weitfurdhill in fyre And thairfra to follow directioun to that pairt quhair ony Invasioun salbe And for the better effectuatting thair of It is ordanit that all maner of man that hes boittis sall haue the same in reddines sufficientlie provydit and water tight for transporting of men armes and utheris necessaris And that ilk baillie sall sie the samen done within his awin boundis And that the said bailleis with all diligens sall appoint ane place within ilk ane of thair bailliereis quhair the people sall convine that thairfra thay may resort to Kirkwall as said is And that it may be the better persaweit be the hail cuntrie quhen the warth of Weitfurdhill salbe on fyre It is ordanit that ilk baillie within his awin boundis sall appoint ane competent watche to attend thairupoun And immediatlie upoun the sycht of the fyre of Weitfurdhill to put thair warth in fyre that warneing may be gevin to the rest of the cuntrie As also it is concludit that all the bailleis salbe advertised that they inroll all maner of persones quhat wapponis thay haue and be the

advyse of some of the most discret men of his baillierie mak ane note quhat wapponis enery man is hable to use and carie and quhat he is hable to buy.

Apud Kirkwall Octavo Novembris 1626.

Anent slaying of the earn.—The quhilk day It is statute and ordanit be the said shiref depute with consent of the gentlemen and suitteris of court being present for the tyme That quhatsumever persone or persones sall slay ane earne sall have of the baillie of the parochine quhairin It salhappin him to slay the earne viij ð for everie reik within the parochine Except cottaris that hes no scheip And xx s̄ to Ilk persone for Ilk earnis nest It salhappin thame to herrie And thay sall present thame to the baillie And the baillie salbe haldin to present the head of the said earne at Ilk head court.

Sexto Februarij 1628.

Ratification of the Act anent sheip doggis.—The quhilk day in presence of Mr John Dick and Robert Monteith of Egilshay Shireff deputis of Orknay with consent of the hail gentillmen and suitteris of Court and commonalitie present for the tyme Ratefeis the hail actis maid of befor be Harie Stewart and Mr William Levingstoune Shereff deputtis for the tyme &c And in speciall that act anent keiping of sheip doggis That no man sould keip sheip doggis except thouse quha wer or sould be nominat be the Shereff or baillies of the severall parochines of the cuntrie With this additioun that no man sall keip running doggis that runnes fra hous to hous or throw the cuntrie slacing thair nychtbouris sheip under the lyk pain contenit in the said act.

That nane row or tak sheip on Sunday.—Item it is statut and ordanit be the said Shereff deputtis with consent forsaid That no maner of persone sall row or tak sheip on Sunday under quhatsumever cullour under the pain of x li.

Auent transporting of tannit ledder.—Item Forsamekill as it is complenit be the Inhabitantis of the cuntrie That the hydys barkit ledder and talloun ar transportit furth of the cuntrie quhairby thay cannot have shoone to serve thame thair bairnes and servandis necessities nor talloun for geveing thame lycht Thairfoir and after gude and mature deliberatioun It is statut and ordanit be the saidis shereff deputtis with consent forsaid but ony oppositioun in the contrair That no maner of persone in na tyme cuming sall transport ony barkit or tannit ledder or talloun furth of the cuntrie unto the tyme it be offerit to the shoemakeris of the toun or gif within ony parochin to the baillie quherby the cuntrie may be servit under the pane of x li and confiscatioun of the transportit gudis.

Apud Kirkwall Septimo Februarii 1628.

Act auent Commissionaris for Parliament.—The quhillk day In ane head court haldin at Kirkwall and continewit to this day Compeirit Robert Monteith of Egilshay Shiref deput of Orknay and Zetland And conforme to the custome observit within shirefdomes desyrit Commissionaris to be chosin for Parliament and Conventiouns for that yeir The haill gentilmen and sutteris of court for the maist part being personalie present Efter gud advyse and mature deliberatioun had be thame theranent Declairit that they wer not sick persones as sould compeir in Parliament or Conventioun Seing thair was nather barroun nor burges within the said shirefdome nor men of that qualitie to chuse or mak choise of for comperanee in Parliament or Conventioun And that in

respect of thair estait and Inhabilitie being bot meane gentilmen and fermoraris Quhairupoun the said Robert Monteith of Egilschay askit actis of court and Instrumentis.

Anent Pundlaris and Bissmers.—The quhilk day the said Shereff deputis with consent forsaide Ratefeis the act maid of befor That all pundleris and Bissmers salbe markit with the mark callit the Kingis mark under the panis contenit therintill With this additioun That everie pundlar salbe justit and maid equall with the Kingis pundlar And that nane have Bissmers nor pundlaris of greater weight under the paine of xl li nor have tua stauis to ane pundlar under the lyke paine.

Apud Skallowaybankis 3 Septembris 1628.

Act anent the Ministrie of the directing of thair sentences to the Bailles.—The quhilk day The said sheref deput with consent of the Ministrie gentilmen and sutteris of court Ratefeis the act maid the thrid day of August 1617 yeiris with this aditioun that the Ministrie direct thair sentences to the bailles Quha sall caus the samen be put to executioun under the paine of deprivation And In cais of refusall the kirk officer be thair directioun to put the samen to executioun.

Act anent Justing of bismeris and utheris missouris.—The quhilk day Ratefeis the act of the dait forsaide anent Bissmeris and fals wegbtis with this aditioun That William Dempster sall just the bismeris at the baille of the parochines sight and seall the samen ffor the quhilk the auner salbe haldin to give him the soume of tua schillingis And ane being set the baillies to tak ordour with the Justing of thame yeirle And that the saidis baillies tak ordour yeirle within thair seuerall parochines

with stowpis canes and utheris missouris under the paines contenit in the actis of Parliament.

Act anent corbies and earns.—Ratefeis the act maid anent Corbeis and Earns for the space of thrie yeiris.

Act anent rowing of sheip on Sondag.—Item It is statut That nane tak nor row sheip on Sondag under the pane of x li.

Act anent going to uther menis holmes.—Ratefeis the act maid anent going to uther mens holmes with this aditioun That the ane halff of the penaltie salbe to the delaitter and auner And the uther halff to the Shereff The said Shereff alwayes haucing the modificatioun in his will.

Act anent ryding of marchis.—It is statut That the baillie of Ilk parochin accompaniet with twelff of the honestist of the parochin sall ryd the merchis of the parochin yeirlie betuix the first of October and last of Aprill And if ony wrong salbe fund that the samen salbe debeatted at the heid court quhairby ordour may be takin as effeiris under the paine of deprivation.

Act anent ryding and cutting of uther mens horsis taillis.—Ratefeis the act maid anent ryding of uther mens horssis and cutting of thair taillis with this aditioun That baith the ryder and cutter of the taill salbe punished as Theiffis.

Apud Kirkwall Vigesimo primo Januarij 1629.

Act anent the Incessing of Thift and Wobsteris.—The quhilk day Forsamekill as the cryme of thift daylie Incessis and hardlie can be

tryit and specialie on the particularis following viz In the first In rowing and pulling of utheris mens shcip and stealling of ther woll Thairfoir It is statut and ordanit be the said shireff deput with consent of the haill gentilmen and suitteris of court present for the tyme that all Wobsteris both in toun and land sall twyse in the yeir To wit the first lawfull day of November and the first lawfull day of May yeirlye giff up Inven-
 tair upoun ther greit aith and conscience of all wobbis gevin in to thame and wopen be thame be ony persone or persones be quhome it is gevin in And of the lenth and breid therof To the baillie of the quarter within the towne and to the baillie of the parochin outwith the toun under the paine of v li *toties quoties* That Inventar being gevin up The saidis bailleis at the first court threfter may acquaint thair parrochineris therwith And giff ony suspicioun or just caus of challenge be fund in ony persone In that cace that thay may be delaittit to the Sheref that ordour may be takin theranent as accordis of the law.

Act anent Smythis.—It is statut and ordanit be the said Shiref deput with consent forsaid That no smyth nather within the toun nor parochines sall buy ony maid wark sick as kees pleuch irones Tuskardis spaidis nor uther maid wark nor ony thing that hes bene maid work unles the seller find burch for the samen quhilk they salbe haldin to geve up in Inventar the first lafull day of November and the first lafull day of Maj yeirlye to the baillie of the quarter within the toun and to the baillie of ilk parochin within ther seuerall ylis and parochines under the pane of x li *toties quoties* That Inventar being gevin up be thame upoun ther greit aith and conscience to the saidis bailleis at the first court thairefter may acquaint ther parochiners therwith And if ony suspicioun or just caus of challenge be fund in ony persone In that cace that they may be delaittit to the Sheref that ordour may be taken theranent as accords of the law.

Vigesimo tertio Januarij 1629.

Act anent electing of Commissionaris.—The quhilk day the gentilmen and sutteris of court efter lang deliberatioun haid be thame conforme to the former act acceptit upoun thame to mak chois of ane Commissionar bot becaus of the intemperancie of the wedder and greit haiszard to trawell be sea quhairthrow ane great number of the gentilmen wer absent Desyrit that the electioun mycht continew to the second day of Marche at quhilk tyme they wald convene and warne the absentis to be present for electing of ane Commissioner to pled for exemptioun.

Penultimo Januarij 1629.

Anent Members of Court.—The quhilk day Abrahame Stevensone is electit In procurator fiscall and George Anderson In Dempstar Quha acceptit the office upoun thame and maid faith and Oliver Smyth In Lockman.

Anent the ignorant contempt of Dempsteris.—The quhilk day Becaus of the ignorant contempt of Dempsteris and of ther office Thairfoir It is statut and ordanit that quhatsumever he is that reprovis or reproches George Andersone now electit In Dempster sall pay the soume of x ti *tolies quoties.*

Sexto Novembris 1632.

Anent gripping of landis and guidis.—That nane grip his nightbouris landis under the paine of ten pund Item that nane grip his nightbouris

guidis under the paine of vj li by the restitutioun of the guidis and the profit.

Anent clenissing of houssis.—It is statut and ordanit be Mr Harie Aitken Shereff deput of Orkney with consent of the gentlemen and suittaris of court present for the tyme That no removars from housis sall dimolisch the same in hail or in pairt nor tak tymmer door windois furth thairof although biggit be thameselffis under the paine of twentie pundis the ane half to the Shereff and the uther to the pairtie interest And that by and attour the reedifying of the houssis under the lyk paines.

Anent corne yairds.—Item that all men mak thair corne yaird dykis sufficient And that no corne . . . be maid for cornes aittin within yaird except to nighbouris for unmarkis dwelling in the same toun.

Anent feing of servands.—Item Ratefies the act maid anent feing of servandis and that nane ressave nor keip ane uther mans servand contenit thairintill under the paines contenit in the said act With this additioun That no man ressave ane servant out of ane uther parochine but ane testimoniall of the Minister or baillie under the lyk paine And incais servandis be fund fugitives fra thair maisteris In that caise the baillie of the parochine quhair out of he is fled sall caus him to be joggit at the kirk door upon Sunday fra aucht houris in the morning quhill twelff houris at noon And incais it sall happin sick vagabondis servandis to fie thameselfis to twa maisteris In that cais the first maister to have the service or to except the fie at his optioun And in cais it sall happin ony servand to fie thameselffis with ane new maister and not to enter to his service In that cais the detener sall pay the fie to thame quha fied him.

Apud Kirkwall undecimo Novembris 1636.

For restraining of servantis from going out of the cuntrey.—The quhillk day Anent the supplicatioun gevin be Dauid M^cClelland Chalmerlane deput of Orkney To the saidis schiref deputis Quheroff the tennour followis Unto your Lordships the Shireffs and gentilmen Suittaris of court present I Dauid M^cClellane In name and behalff of the hail bodie of this cuntrey Schewis that thair is ane great abuse thairin be reassoun of a custome too common of servantis leaving the cuntrey and fleieing away upoun schippis frequenting the coast Quherby the land is liklie to becum desolat and unmanurit throw want of servantis (sik as ther are presuming upoun thair sea trade as they call it) ar becum so Insolent that unles they haue sik conditionnis as thay require thair is no keeping nor having of thame So that it is not possibill to have the countrie againe labourit as it was of beffoir nor his Majesties dewties satisfied as they aught to doe Unles your Lordships and gentilmen present provyde sum tymous remeid thairto Heirfoir I in name forsaid earnestlie be-seikis your Lordships to tak this in Consideration and to acquent his hienes Counsall thairwith that thay may meane the samyn to his Majesty Quherby this fleieing away of servantis may be restrained ffor labouring up of the cuntrey that his Majesties dewties may be the better satisfied in tyme cumming and your Lordships ansuer as the said supplicatioun at mair lenth bears The saidis shiref deputis findis the supplicatioun releiffand and with consent of the gentillmen present Ordaines that warrand sall be direct to the baillie of ilk paroch ffor restraining of servantis from goeing out of the cuntrey without the testimoniall of the baillie and minister with twa or thrie eldaris under the paine of ten pundis to be poyndit of thair readiest goodis they leife behind thame or utherways at thair returne giff they want gudis they to be sent in to the shireff to be punisht in thair bodies And ordaines that ane suppli-

catioun be maid and direct to the Counsall for procureing ane power to restrain the shippis to intak the saidis servantis.

Act anent goeing ashipboard.—The quhillk day The Act anent going ashipboard is ratified with this additioun That be reassoun of the rumour of the plague abroid in uther cuntreyis That no man sall goe ashipboard of quhatsoever schippis frequentis the coast under the pane of cloasing up thair houssis for xx dayis and thairefter of the soume of xx li to be dewlie exacted And ordaines the samen to be published at the parochie kirkis both of the Yles and Mainland &c.

Apud Kirkwall Quarto Novembris 1640.

Act anent Servantis.—The Qubilk Day In presens of Thomas Buchanane and Maister Harie Aitkin Shiref deputis of Orkney hail gentrie and baillies of the severall parochines convenit for the tyme It is statut and ordanit In respect of the multitude of servandis that ar gone of the cuntrey That ilk parochin salbe servit be the servandis that ar within thameselfis ffor the space of ane yeir And that nane leave the parochins quhair thay presentlie dwell till the samen be sufficientlie servit at the sight of the Baillies and elderis thair of And that na servand leive thair parochinis without ane Testimoniall of the said Baillie and elderis under the paine of ten pundis to be peyit alsweill be the servand as resetter Lykas it is ordainit That the said Baillie of ilk parochin with the particular personis efter namit sall tak tryall and cognitioun within thair severall boundis how the Inhabitantis ar provydit of servandis and to tak from those that have mae nor is necessar ather thair sonnes dochteris servandis cottaris Inmen Inwemen or boyis that may be spared untill all be alsquallie servit as may be The personis nominat in ilk parochin with thair Baillie ar these viz Harie Spence John Ewinsone and

David Halero for the parochin of Sanct Olaw Edward Sinclair of Essinquooy James Baillie David Kincaid younger and David Langskaill for S' Androis parochin The said Essinquooy being present Gilbert Irwing and William Paplay for Dearnies Robert Stewart of Brugh John Mowat of Burwik John Grott John Cromartie younger and John Mowat in Marsetter for the yle of Southronaldschay Thomas Sklatter James Corregill and John Tailyeour for Firth William Sklatter and Gilbert Knarstoun James Loutit James Linklatter Robert Hey and Andro Germestoun for Harray and Stanehous David M^cClellane Chalmerlane Alexander Kircum Alexander Philp John Ingsay in Bea William Johnstoun and Robert Laneskaill for the parochin of Birsay Adam Bellenden younger of Stanehous Patrick Murray Magnus Hourstoun and Edward Sinclair in Vingar for Evie Adam Bewis James Corrigan and Henrie Linklatter for Rendell Gilbert Sinclair James Traill Magnus Craigie James Hamiltoun for Rowsay Patrik Balfour Walter Sinclair John Rendell and Andro Beinstoun for Westray Thomas Traill Magnus and Oliver Hwysone for Papa Westray Edward Stewart of Brugh James and Oliver Cokis Edward Scolay Thomas Henrysone William Burgar James and John Scottis and Jerhome Fotheringhame for the yle of Sanday James Maxwell of Mariekirk Malcolm Mowatt Oliver and Malcolm Feais and Oliver Rowsay for Stronsay Patrik Smyth of Braco William Sinclair of Greinwall Magnus Gareoch in Braquoy Bernard Kirkbrek in Kirkbrek and Andro Langskaill in Dewcro for the parochin of Holme Hew Sinclair of Damesay Andro Murray of Butha James Robertsonsone and Robert Flett for the parochin of Orphair with thair baillie James Mudie of Melsetter James Mowat in Thurso Ronald Bernardsonsone and Gilbert Chalmer for the yle of Wallis Hew Halero of that ilk Edward and Hew Mowattis for the yle of Hoy Jerhome Turloch of Whome Edward Sinclair of Nes John Beatoun of Clouk and Magnus Broun for the parochin of Stromnes Edward Sinclair of Clumlie Patrik Miller Magnus Irwing Alexander

Linkletter of Linklatter and Hew Hourstoun for the parochin of Sand-
 wik William Irwing of Garstae James Haddell James Irwing and
 Walter Haddell in Lintoun for the yle of Schapinschae Quhilkis
 personis with thair severall Baillies ar appoyntit to tak sik course
 within thair severall boundis for ordaineing fies of servandis according
 to the qualitie of the persoun that servis and that they exceed not
 use and wount within thair severall parochines or yles And the re-
 fusar of his sone dochter servand woman or man appoyntit to serve ane
 uther for thair necessitie ar ordanit to pey ten pundis to the shireff and
 xiiij s iiii d ilk night besyd to the partie interest quhill they be servit
 And ordanis the said Baillie and elderis to right the complaintis of the
 servantis complaineing for want of peyment within the space of ane yeir
 The Baillies present have maid faith for doing thair dewtie in the pre-
 missis and ar appoyntit to tak the aithis of thair elderis at thair meit-
 ingis As also ordaines these to be published at the parochie kirkis.

Act contra Cordinaris.—The quhilk day The saidis shereff deputis
 being judiciale convenit with the gentlemen and suitaris of Court pre-
 sent for the tyme And having consideratioun of the exorbitance of the
 pryce of Cordinaris and the dewlie complaintis and outeryis maid thair-
 anent have for the good and profeit of the Commounwealth Statut and
 Ordanit That In tyme cuming the saidis Cordinaris sall mak good and
 sufficient work for twentie penneyis the Insche of dowbill solit shone
 and for xij d the Insch of sufficient single solit shone And quhair bairnis
 dowbill solit shone have but ane seame they sall exact no more but
 xiiij d for the Insch thairof under the paine of xl s to be peyit *toties quo-
 ties* to the Shereff be the Contravenar And gif the saidis Cordinaris
 sall happin to be negligent of thair callingis and becum ydle so oft as
 they sall be so tryet they sall pey iiii li And for the working of ilk
 hyd In the awneris hous they ar dischairgit to exact any moir nor xx s
 with thair Intertainment Lykas all personis ar Inhibit and dischairgit

to sell any ledder out of the Cuntrey under the paine of ten pundis to be peyit *toties quoties* be the seller therof And confiscatioun of the ledder boght be the buyar to the shirreff And this is ordanit to be Intimat at all the paroch kirkis within this shirefdome.

Act contra Ferrieris.—The quhilk day It is statut and ordanit be the saidis shirefdeputis with consent of the gentlemen and suitaris of Court present for the tyme That the fraught ower Pentland firth in tyme comeing sall be no moir nor xlviij s̄ In ane greit boit And xxx s̄ In ane small boit ower Wattersound xij d̄ ower Holme sound iiij s̄ ower Rowsay sound ij s̄ Fra Rowsay to Westray xij s̄ Fra that to Papa ij s̄ Fra Westray to Eday vj s̄ Fra that to Sanday vj s̄ Fra Halknes to Houp iiij s̄ Fra Haloys to Strynie vj s̄ Fra Rothisholme to Schapinscha xiiij s̄ iiij d̄ Fra Schapinscha to Work iiij s̄ Fra Kirkwall to Elwik vj s̄ to Gairsay vj s̄ to Rendell vj s̄ to Evie x s̄ to Rowsay xij s̄ to Egilscha xij s̄ to Rapnes xl s̄ to Towquoy in a greit boit l s̄ to Spurnes in Sanday in ane greit boit l s̄ In ane small boit xxxvj s̄ To Stronsay in ane greit boit xl s̄ To Ethay xxiiij s̄ Item fra Scapa to Wallis xxiiij s̄ To S^t Margaretshoip xvj s̄ Fra that to Holme viij s̄ Et c̄ contra throw all saidis ferries And the exacter of any mair sall pay the triple worth of the fraught *toties quoties*.

Apud Kirkwall vigesimo sexto Maij 1641.

Act for repairing the Brig of Waith.—The quhilk day It is statut and ordanit that for reparatioun of the brig of Waith the parochines of Stromnes Sandwik Harray Orpher and Stanehouis sall be thair hail Inhabitants day about work at the said Brig and the Inhabitantis of Stromnes to enter the aucht day of Junij nixt And the rest of the saidis Inhabitantis of the uther parochines day about therefir ilk housholder under the paine of ten schillingis And ordaines John Grahame of Breknes

and Edward Sinclair of Nes to attend the work Sandwik to work the nynt day Harray the tent Orpher the elevint and Stanehous the twelff.

Act for repairing the Brig of Scapa.—Lykas It is Statut and Ordanit that the Inhabitantis of the parochin of Sanctolla sall enter to win stanes for bigging a pend to the brig of Scapa upoun the nynt day of Junij nixtocum Ilk hous under the paine of ten Schillingis.

That warthis be furnisit.—It is ordanit that ilk bailye sall furnis thar warthis with all diligence of all necessaris.

Act for selling of wyne.—It is statute and ordanit That all wynis sall be sauld at the pryces for the quhilkis it is sauld in Edinburgh viz ane merk for French wyne and the sek for twa merkis under the paine of twentie pundis *toties quoties*.

Apud Kirkwall Primo Junii 1642.

Act in favouris of the Procurator Fiscall.—The quhilk day the Sheref deputis ordaines Robert Tulloch Chalmerlane of the lait Bishoprik of Orkney to pay to Abraham Stevinsone Procurator fiscall of the said Sherifdome the dewtie accustomat to be payit for his service in the said office furth of the said Bishoprick quhilk is ane meill of meall yeirlie.

Apud Kirkwall de Yairds die sexto mensis Augusti 1644.

Anent conservatorie of all the precciding acts.—The quhilk day the said shereff principall remembring that the certaine tyme of the thrie yeirly head courtis not designit be ane act herto for albeit be ordinarie custome yeirly observed and considering the weill of his Majesties vas-

sellis quho are tyed to give suitt and presence at the saids head courtis if the saids meatings be particularlie enacted without alteration or change upon occasione or at pleasure of succeeding of sherreffs Thairfor it is statut and ordainit be the sherreff with consent of gentlmen and uthers of this court that the thrie yeirly head courts sall be constantly upon the thrid Thursday of January the secound Teusday of Junii and the secound Teusday of November And that thair meittings be advertisit in tyme comeing.

Anent the publication of the actis.—Item forsameikle as this present court considering the vertew and power of the generall bygone acts and statuts of this country to be most necessare and able in themselves to remend all discords injuries and wrongs that may arryse within the country and disturb the peaceable government thairoff yett conseaveing that the seldome publicatione of the samyne at heid current and bailye courts in the severall ylles and parochs hath occasioned excuses of pre-tendit ignorance be the transgressors thairoff and that the neglect and slouth in the executione of the saids Actis may mak them unprofitable to the country as if the samyn had never bein maid Thairfor it is statut and ordainet be the said sherreff with consent of the gentlmen and suittars of court present for the tyme that the wholl saids generall acts sall be publictly read in a solemne way be the sherreff clerk att everie head and current court yearly and imediatly efter the fensing thairoff and that every bailye in his parochine cause quarterly reid the samyne be his clerk imediatly efter the fensing of his bailye court And to this effect its ordainit that heirwith thair be receavit be every bailye ane authentick double of the saids generall actis subscribit be the sherreff clerk and quhilkis are heirby ratifiet in the hail heids articles and clauses of the samyne.

Anent examinatione of Ranselleris.—Item that the severall ransellers in every paroch solemnly sworne upon thair great oath and putting thair

hand to the bible and strictly examined be the sherreff and his deputt in thair current courts nixt and immediatly efter the fensing thairof and of publicatione of the saids actis and at thair declaratione of all thifts bloods ryatts witchcrafts and others transgressors of the saids actis that sall happin to be committit and knawin to thame fra the current courts immediatly preceding.

Anent tryall of Bailies.—Item that the paroch being convenit in the current court befor the sherreff and his deputs be tryitt and examinett outwith the presence of thar bailye and in presence of thair minister if need bees anent the behaviour and cairage of the bailye in his office and uplifting of his services and day woorks That accordingly his just commendatione in administratione of justice may be knowne without declaratione or calumnie in the contraire or that in caice of malversatione in his place be injustice or of oppressione of the poore be exactione of unlauffull service such order may be taken thairwith according to the tenor of severall of the saids generall actis maid thairanent.

Anent the common gadge of peatts.—Item it is statut and ordanit that all peatts sold or bought within the toune of Kirkwall sall be measured be ane comon gadge of tenn foott allwayes ilk foot containing twelue inches And this becaus of frequent stryffs and debates that does fall out in the said toune betuixt the buyar and sellars thairoff.

LIST AND CERTIFICATE
OF THE NUMBER OF EXAMINABLE PERSONS
IN ORKNEY AND ZETLAND.

MDCCXLVIII.



LIST of the PARISHES and ISLANDS within the EARL-
 DOM of ORKNEY and LORDSHIP of ZETLAND
 (exclusive of the BISHOPRICK of ORKNEY) and of the
 Examinable Persons in each Parish and Island, Heads of
 Families, Days Services (being three yearly out of each
 Family due to the Baillies) and their Perquilts of Wattle
 and Cuffall Penny besides their Emoluments.

ORKNEY.

PAROCHS.	No. of Examin- able Per- sons.	Heads of Famyls.	Days Services.	Value of the Wattle and Custall Penny.			STERLING.		
				£	SH.	D.	£	SH.	D.
Birfay and Harray	1600	400	1200	10	0	0			
Firth and Stennes	750	187	561	4	13	6			
Evie and Randall	1200	300	900	7	10	0			
Saint Olla	400	100	300	2	10	0			
S ^t Andrews and Deernefs . . .	1200	300	900	7	10	0			
South Ronaldfhay	1800	325	975	8	2	6			
Stronfay and Eday	1000	250	750	6	5	0			
Sanday . . .	1300	325	975	8	2	6			
Weftray and Papa Weftray . . .	1200	300	900	7	10	0			
Roufay and Egilfhay	700	175	525	4	7	6			
	10650	2662	7986	66	11	0			
7986 Days Services converted at a half a Merk Scots each is							221	16	8
Perquilts of Wattle besides Emoluments of Court							66	11	0

ZETLAND.

PAROCHS.	No. of Examin- able Per- sons.	Heads of Familys.	Days Services.	Value of the Wattle and Cust- tall Penny.			STERLING.		
				£	SH.	D.	£	SH.	D.
Dunroffnefs Sand- wick and Coningf- burgh . . .	1600	400	1200	10	0	0			
Lerwick and Gul- berwick . . .	1300	325	975	0	2	6			
Nesting Luna Sting Whalfay and Sker- ries . . .	700	175	525	4	7	6			
Fettlar . . .	500	125	375	3	2	6			
Unft . . .	600	150	450	3	15	0			
Yell . . .	800	200	600	10	0	0			
North Mavin . .	600	150	450	3	15	0			
Delting . . .	600	150	450	3	15	0			
Aithfing and Sand- fing . . .	700	175	525	4	7	6			
Whitenefs and Wif- dal . . .	500	125	375	3	2	6			
Tingwall . . .	600	150	450	3	15	0			
Bressay and Burray	600	150	450	3	15	0			
	9100	2275	6825	61	17	6			
Services converted as above							189	11	8
Cuftall Penny . . .							61	17	6
							£539	16	10

WE Mr Hugh Mowat Minister of the Gospel in Evie and Randal Mr John Yule Minister of Kirkwall and S' Olla and Mr Matthew Cleghorn Minister of Roufay and Eaglefay Do hereby Declare that we believe the computation within mentioned of Ten thousand six hundred and fifty examinable persons for the different parishes and Islands within the Earldom of Orkney to be reallie below than above the real number which is particularly the case as to the parishes whereof we are respectively Ministers Subscribed at Kirkwall the twenty-fifth day of February 1748.

HUGH MOUAT

JO. YULE

MA. CLEGHORN

WE George Traill of Hobifter late Chamberlain of the Earldom and Donald Groat of Newhall late Chamberlain of the Bishoprick of Orkney Do hereby Declare that the within List of examinable persons in the different parishes and Islands of the said Earldom amounting to Ten thousand six hundred and fifty is according to the best of our belief and knowledge below the real number of examinable persons within these parishes and Islands And We further declare that it confits with our knowledge that in several of these parishes and Islands there are certain days services and duties of Wattle &c. payable to the Baillies who commonly exact one Shilling Sterling for the deficiency of one years service in a family And we likewise declare that we believe the like services and duties may be due and payable in the other parishes and Islands wherein we are not so particularly acquainted Subscribed at Kirkwall the twenty-fifth day of February 1748.

GEO. TRAILL

DO. GROAT

JOURNAL
FROM KIRKWALL TO EDINBURGH.

		Miles.
	From Kirkwall to Holm - - -	6
	Over the ferrie of Holmfound horfe boat is 2 § Ster. -	4
	From Holmfound to Waterfound - - -	1
	Over the ferrie of Waterfound horfe boat is 1 § Ster. -	1
	From Waterfound to Pi&ctland firth - - -	7
Sir Ja. Sinclair at Kerse	Over Pi&ctland firth fraught is 4 fib Scots - - -	12
Sir Ja. Dunbar at Aeringill	From Pi&ctland firth or Duncanfbay to Wick - - -	12
Olbister at Claith	To Claith - - - - -	8
	To the Boarg - - - - -	10
	To Aufindail - - - - -	3
	To Helmfadail - - - - -	3
	To Loth - - - - -	4
My Lord Stranaver	To the brig of Brora - - - - -	5
	To Dinrobin - - - - -	3
	To Ferrie unes wher fraught is 2 § Scots for man and horfe	3
Sir Will. Gordon of Delfollie at Innerbreckie	To Dornoch - - - - -	3
	To Ferrie Portincoulter wher fraught is 4 § Scots for man and horfe - - - - -	3
	To Tain - - - - -	3
	To ferrie Innerbrekie wher fraught is 4 § Scots for man and horfe - - - - -	6
Mr Ja. Broady of Whithill	To Rosmarkny - - - - -	6
	To ferrie Arderfhire and over fraught is 6 § Scots -	2

						Miles.	
Laird of Broady	To Nairn	-	-	-	-	6	
	To Forres	-	-	-	-	6	
	To Elgin	-	-	-	-	6	
<i>Note.</i> —If you go to Cullen you must go by the boat of Boge	To the boat of Boig fraught is 1 § Scots man and horfe					7	
	To Milbain	-	-	-	-	2	
	To the milns of Towy	-	-	-	-	3	
	To Divron watter	-	-	-	-	5	
	To Whitlums	-	-	-	-	4	
	To the kirk of Clett	-	-	-	-	3	
	To Scots milns	-	-	-	-	3	
	To the Brigend of Knokendo	-	-	-	-	4	
	To Lemphanan	-	-	-	-	3	
	To Kinkern of Nile (Kincardine O'Neil)	-	-	-	-	2	
	To Die	-	-	-	-	1	
	To Cutifillick	-	-	-	-	4	
	To Fetterkairn	-	-	-	-	10	
	E. of Paumure	To Brichan	-	-	-	-	7
		To the 8 mile houfe	-	-	-	-	8
To Broughtie ferrie		-	-	-	-	8	
Over the ferrie fraught is 6 § Scots for man and horfe						2	
To Couper		-	-	-	-	6	
To Kennua		-	-	-	-	6	
To Kircaldie		-	-	-	-	6	
To Kingorn		-	-	-	-	2	
Over the Watter to Leith fraught is 12 § Scots for man and horfe		-	-	-	-	7	
To Edinburgh		-	-	-	-	1	

DOCUMENTS RELATIVE TO THE
PRINTERS OF SOME EARLY SCOTTISH
NEWSPAPERS, ETC.

MDCLXXXVI—MDCCV.

SCOTTISH PRINTING.

[The following Papers will serve to illustrate the censorship of the Press, at one time established in this country, and the history of some early Newspapers, "Prognostications" or Almanacks, and other minor specimens of Scottish typography, from "*ane wounded heart sacrificed in tears,*" to "*the decencie and ornament of a border of skeletons, mort-heads, and other cmbles of mortality.*" They seem to stand in need of no explanation; but it is right to record, that they have been collected, and carefully transcribed for insertion in this place, from the Registers and original Warrants of the Privy Council of Scotland, by the care of a gentleman, to whom the Club has on many other occasions been indebted for ready and valuable assistance, Mr Macdonald, of the General Register House.]

Act in favour of Mr. Robert Blaw for printing a Manual—
4 MAR. 1686.

TO THE RIGHT HONORABLE THE LORDS OF HIS MAJESTIES
PRIVY COUNCILL The humble Petition of MR ROBERT
BLAW, Doct̄or of the Grammar Schooll of Portsburgh,

Sheweth,

That wher the petitioner having compiled from many
Authors a little Book intituled *Syntaxis Vernacula, vel Nova*

et facilis methodus Compositionis, which will not only be vfe-
full towards the erudition of youth, bot alfe for reviving the
memory of the elder in that which they have read on the fub-
ject, and which is approvén by the Mafters of this Univerfity
under their hands ; And fince your Lordfhips have alwife bein
in vfe to give encouradgement to fuch undertakings,

It is therfor humble defired your Lordfhips wold be
pleafed to grant allowance to the Petitioner or his
order, for the fole printing, reprinting, vending or
felling of the faid Little Manuall for fuch a fpace
as is ordinar and you fhall think fitt ; And wold
difcharge all other perfones from fo doeing during
that fpace, under the pain of confifcation of the
fame to his or their ufe, befids what other punish-
ments your Lordfhips fhall inflict for contempt in
caife of contravention.

And your Petitioner fhall ever pray.

Edinburgh the fourth day of March 1686.

The Lords of his Majefties Privy Councill haveing heard
and confidered the within writtine petition, Doe hereby grant
the defyre thereof for the fpace of Nyne yeirs after the date of
thefe prefents, and ordaines ane Act to be extended in the
petitioner's favors accordingly.

Act prohibiteing the printing or reprinting of any New Books or Pamphletts without License from the Lord High Chancellour. SEPT. 7. 1686.

THE Lords of his Majesties Privy Councill Doe hereby Prohibite and Discharge all persons whatsomever from granting any license for printing or reprinting any new Books or Pamphletts, untill the same be first seen and perused by the Lord High Chancellor, as they will be answerable; And Ordaines Intimatione hereof to be made by one of the Macers of Councill to the Printers and Stationers in and about Edinburgh, that they may not pretend ignorance.

PERTH *Cancell.*

I. P. D.

Act in favour of Mr Robert Blaw for printing a Vocabulary.
16 SEPT. 1686.

FORASMUCH as there being ane humble addresse made to the Right Honorable the Lords of his Majesties most honorable privy Councill, by Mr Robert Blaw, one of the Doctours of the Grammar School of St Cuthberts, Representing that he hath by indefatigable paines, and scrutiny in the most approuen and modern Dictionaries, from thence compiled a vocabulary entituled *Fraus Elusa* or *Tenebræ Repulsæ*, which, as to the designe there-

of, both as to the signification as well as to the pronounciation and syllabication of words seeming to be the same but yet different, will be most usefull to extricat and explain both to all perfones especially thofe of the younger fort ; And humbly craveing that order and warrant might be granted to the effect underwritne ; The faids Lords of his Majesties Privy Councill having heard and confidered the forsaide addresse, Doe for the said Mr Robert Blaw's encouragement not only give and grant unto him or his assignayes full power and license for the sole printing reprinting vending or felling not only of the said vocabulary, but also of his *Syntaxis Vernacula* &c. formerlie printed, And that for the space of nintein yeiris after the date hereof, Discharging hereby all vther perfones from printing reprinting vending or felling the same dureing that space, under the pain of confiscation thereof to his or their use and behoove, beyds what other punishment the Councill shall think fitt to inflict, in caise of contravention.

PERTH *Cancell.*

I. P. D.

Act in favours of James Watsone, Printer to His Majesties family for Prognostications. SEPT. 16. 1686.

FORASMUCH as It has pleased the Kings most Excellent Majesty, By a letter direct under his Royall hand to the Privy Councill of this his ancient Kingdome, To signify That it is his Royall will and pleasure That James Watfou, Printer to his

family within this Kingdome, should have the sole and only priviledge of printing all Prognostications within the same, and benefite thereof So as all others may be therefrom discharged in manner underwritten ; THEREFORE The saids Lords, In pursuance of His Majestie's Commands aforesaid, Doe hereby Give and Grant unto the said James Watson The sole and only priveledge of Printing Reprinting vending Selling or Importing any Prognostications unto this Kingdome after the date of these presents without the special allowance and approbation of the said James Watson, Printer, aforesaid, As they will answer the contrair at their perrill ; Extending hereby not only these presents As to what Prognostications may hereafter come forth for the ensuing year, Bot also as to what have already come forth ; Which are hereby expressly discharged, Unles License and approbation be granted in manner and under the Certification aforesaid. And that his Majesties pleasure and these presents may be known in the premisses, And all Printers Stationers and others certiorat thereof, That exact obedience may be given therto, The saids Lords of Councill Doe ordaine the same to be Intimate printed and affixt at the severall Mercat Croces of the Head Burghs of the Shires of this Kingdome, and the severall Paroch Churches of the same and other places needfull, That none pretend Ignorance.

PERTH *Cancell.*

I. P. D.

Act in favours of Charles Chalmers for printing a Book.

23. JUL. 1695.

THE Lords of his Majesties Privy Council having considered a Petition given in to them be Charles Chalmers writer in Edinburgh, Shewing, That the Viscount Tarbat Lord Register having from the authentick Records of the kingdome wrot a Vindication of ROBERT the thrid King of Scotland from the Imputation of Bastardy &c. And given the benefite of printing the same to the Petitioner, which the Petitioner has caused doe weell but at a considerable expense, And Therefore humbly Craving to the effect underwritten As the said petition bears, The saids Lords of his Majesties Privy Council Doe heirby Discharge any to print the said Book within this kingdome, or to Import or vend the same for the space of twentie one years after the date heirof without the Petitioners licence, under the penalty of confiscating the books so printed, Imported, or vended, to the Petitioner's use and behoove.

Act in favours of James Donaldson for printing the Gazette.

MAR. 10. 1699.

ANENT the petition given in to the Lords of his Majesties Privy Council be James Donaldson merchant in Edinburgh, Shewing, That the petitioner doeth humbly conceive the publishing of ane Gazett in this place containeing ane abridgment

of fforaigne newes together with the occurranes at home may be both usefull and fatisfieing to the leidges, and actually hath published one or two to see how it may be liked, and so farr as he could understand the project was approven of by very many, And therefore Humbly supplicating the saids Lords to the effect after mentioned ; The Lords of his Majesties Privy Councill haveing considered this petition given in to them by the above James Donaldson, They doe hereby Grant full warrand and authority to the petitioner for publishing the above Gazette, and Discharges any other persones whatsoever to pen or publish the like, under the penaltie of forfaiting all the coppies to the petitioner, and farder payment to him of the soume of aue hundred pounds Scots money, by and attour the forsaide confiscatioun and forfaiture, and Recommends to the Lord high Chancellor to nominat and appoint a particular persone to be Supervifor of the saids Gazetts before they be exposed to publict view, printed, or fold .

*Act in favors of James Donaldson, Gazetteer, to print
Buriall Letters. MAR. 10. 1699.*

ANENT the petition given in to the Lords of his Majesties Privy Councill be James Donaldson merchant in Edinburgh, Shewing, That the petitioner hath fallen upon a device for printing or stamping in a fine wryt character after another maner then is commonly used on Copper plates, by raising the said Character on ingotts of brafs much after the fashion

of Printing types, By which means words may be changed according as the subject doeth require, and does humbly conceive to cause engrave and imploy so much of the said character as may serve for buriall letters, may be profitable and convenient for the leidges severall wayes ; for the diverse compellations, Titular words, names of persons, and places from whence and to which the corpses are to be transported, may be changed to the Employers their satisfaction ; By this device the leidges may be both cheaper and sooner served then ordinar, Buriall Letters being oft times in haste ; besides the decency and ornament of a border of skeletons, mortheads, and other emblems of mortality, which the Petitioner hath so contrived that it may be added or abstracted at pleasure ; These, and severall other advantages to the leidges, without doubt may be found in the use of the said device, which was humbly offered to the saids Lords consideration, who have allways given suitable encouragment to what the saids Lords had seen convenient to the leidges, as it was hoped this would be found ; And Therefore humbly supplicating to the effect after mentioned ; The Lords of his Majesties Privy Councill haveing considered this petition given in to them by the above James Donaldson, They hereby allow the petitioner and his heirs and assigneyes to make use of the above device for printing or stamping, And Discharges any other persones to make use of the same for the space of nynetein years, commencing from the day and date hereof, without speciall warrand from the Petitioner or his heirs assigneyes or Representatives had and obtained for that effect, under the penaltie of forfaiting all

these to be made by them, to the petitioner, and five hundred merks of penaltie by and attour the said forfaiture.

*Act in favours of George Mossman, Stationer in Edinburgh,
anent Printing of the works of Mr George Buchanan.*

Nov. 9. 1699.

THE Lords of his Majesties Privy Council doe hereby Grant full priviledge power and warrand to George Mossman Stationer in Edinburgh, his heirs or alligneyes, To print vend and fell all the works of the learned Mr George Buchanan, in ane Volume in folio, or by parts in lesser volumes, And discharges all others to print Import vend or fell the whole or any part of the said Mr George Buchanan his works, in any Volume or character, for the space of nyntein years from and after the day and date hereof, Excepting what are already printed and Imported preceeding the date of thir presents; with Certification to the Contraveeners The copies shall be seized upon and confiscat to the use of the said George Mossman and his forsaids, Attour that the perfones forsaids shall be lyable to them in the payment of fyve hundred merks Scots of fine *toties quoties*, besides the forsaide Confiscation, and by and attour the famen.

TO THE RIGHT HONOURABLE THE LORDS OF HER MAJES-
TY'S MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF THE PRINTERS IN EDINBURGH,

Humbly Sheweth,

THAT albeit no transgression in our Art of Printing is imputed to your Petitioners ; Nevertheless the Magistrates of Edinburgh are pleased to convene us, and under severe threatenings require us to sign a Bond, that we shall Print nothing, (without distinction of publick or private), unless the same be duely authorized by publick authority. As also, they oblige us to find caution for ourselves and our Servants. Which will appear to your Lordships by their Act hereto subjoin'd.

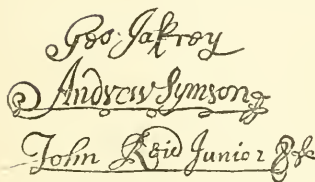
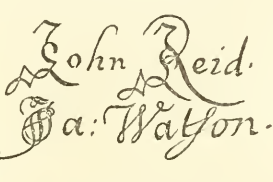
And seeing the cognizance of these matters do belong properly to your Lordships, and that we have shewn our willingness to observe your Lordships Act 1690, whereof a copy is hereto subjoin'd : We shall only at present humbly represent, that the imposing upon us such Bonds as the Council of Edinburgh require of us, has no warrant in Law, and, as we conceive, seems to be prohibited by the Claim of Right.

For avoiding any difference that may hereafter occur anent the exercise of our art, we humbly intreat your Lordships to nominate in the terms of the Act 1690, persons who may authorize us in printing any thing relating to publick matters : And for that end may appoint a Committee to consider our

case, and hear our propofals, that nothing offensive to the Government, scandalous or scurrilous, may be printed; and that we may be free from these hardships, which we shall evince this Bond would put upon us.

May it therefore please your Lordships, to take the cognizance of the premises, from the Town Council of Edinburgh to yourselves, to nominate Licensers, and to appoint a Committee, who may hear your Petitioners propofals for regulating the printing of publick papers, and other things relating to the regulation of the Prefs.

And your Petitioners shall ever Pray, &c.

*Act of Privy Council. Edinburgh, the twenty-eight day of January
One Thousand Six Hundred and Ninety Years.*

THE Lords of their Majesties Privy Council, in the terms of, and conform to the Tenor of the Twenty Seventh Act, Fifth Parliament of Queen Mary, discharging all Printers within this Kingdom, to Print, or Re-print any Pamphlets, Books, or others, relating to the Government, until the same be seen, revised, and examined by the Earl of Cassils, Master of Melvil, and the Lord Advocat, whom the Council do hereby Authorize for that effect; with certification to such, who shall

presume to act in the contrair hereof, that not only shall all their goods be confiscat, but likewise they shall be banished the Kingdom for ever : And they ordain the Macers of Privy Council to make Intimation to all Printers in Edinburgh, and appoints Sir William Lockhart to make Intimation to all the other Printers within this Kingdom, that they may not pretend Ignorance. Extracted by me,

GILB. ELIOT, *Cls. Sti. Concitii.*

Act of the Council of Edinburgh, 29 October 1703.

THE which Day, the Lord Provost, Baillies and Council, Deacons of Crafts ordinar and extraordinary, being convened in Council, Considering, That, by Ordinance of the Lords of Privy Council, no Printer is to print any thing, unless the same be duly Allowed and Authorized ; And that the Printers of this Burgh having transgressed this Ordinance, have occasioned the Magistrats of Edinburgh to be questioned by their Lordships, for not Restraining their said Printers from Printing and Publishing Papers not at all Allowed, and withal Scandalous, and of ill Consequence : Do therefore, to prevent the like in time coming, Statute and Ordain, That no Printer, or Printers Servants, within this City, or Suburbs, (for whom his Master shall be Answerable,) shall not, for hereafter, Print any Books, Pamphlets, or other Papers whatsoever, unless first duly Allowed by Publick Authority, under the Penalty of Losing their Freedom of the Burgh, and otherways Fined and Punished, at the Will of the Magistrate. And, for the more sure Performance of the Premises, Appoints the whole Printers, present and to come, to give Bond and Caution for themselves, Apprentices and Servants, observing of the Premises : And als, That they shall affix their Names to whatever Books, or Pamphlets, or Papers, they shall Print, or Publish.

EDINB^g THE 25TH JANUARY 1704.

The Lords of her Majesties Privy Council having considered this petition given in to them by the within Printers of Edinburgh, And the sament being Read in their presence, The saids Lords Do heirby Nominat and appoint The Earle of Roseberry, The Lords Advocat, Justice Clerk, Phefdoe, and Mr Francis Montgomery, to be a Committy to consider the within petition and matter therein Represented, and to call for the Petitioners and the Magiftrats of Edinburgh, and hear them *hinc inde* theranent, And to Report; And Recommends to the said Committy to meet tomorrow morning at ten of the Clock in the forenoon, And declares any Two a Quorum.

FINDLATER, *I. P. C.*

Warrant anent Pamphlets and sellers of them.

APR. 17. 1704.

THE Lords of her Majesties Privy Council considering that there are a great many Pamphletts and other papers printed and publictly sold within the Town of Edinburgh, that are not licensed, and ought not to be printed, The saids Lords doe heirby Recommend to the Magiftrates of Edinburgh to take a speciall notice of all such Pamphletis and paperis that shall be exposed to publict seall within their said Town, and of the selleris thereof, and Printers of the sament; And to call for and examine the said Printers, and committ them to prison

untill the same be reported to the saids Lords of her Majesties Privie Council.

Act in favours of Sir James Dalrymple for printing a Book.

7 Nov. 1704.

THE Lords of her Majesties Privie Council doe heirby grant to Sir James Dalrymple, one of the Clerks of Councell and Session, his heirs and alligneys, the sole priviledge of printing, vending, and selling ane book, entituled Collections concerning the Scottis History preceeding the death of King David the first, in the year one thousand one hundred and fiftie three, wherein the Sovereignty of the Crown and the Independency of the Church is cleared, with ane account of the antiquity of the Scottis British Church, and the novelty of Popery in this kingdom; And Discharges all other perones whatfomever to print, reprint, sell or import into this kingdom, any of the saids books, for the space of nynteen years from the date hereof, and that under the pain and penalty of confiscation of the saids books to the use of the said Sir James Dalrymple or his foresaids, and further under the penalty of fyve hundered merks Scots money, to be payed by the Contraveeners to the said Sir James Dalrymple or his foresaids, besydes the seizure and forfeiture foresaid.

*Act in favours of Adam Boig for printing the Edinburgh
Currant. FEB. 13. 1705.*

ANENT the petition given in and presented to the Lord high Chancellor and remanent Lords of Privie Council By Adam Boig, Humbly Shewing, That wheras their petitioner intends to sett forth a paper by the name of Edinburgh Currant which will come out thrice weekly, viz. Monday, Wednesday, and Fryday, containing most of the remarkable forreign newes from their prints, and also the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence, which its hoped will prove a great advantage to merchants and others within this Nation, (it being now altogether neglected); And Seeing their petitioner has no inclination to give offence therby to the Government, and that he cannot safely doe the same without he be impowered therto by their Lordships, And therefore craving to the effect after mentioned as the said petition bears; The Lords of her Majesties Privie Council having considered the above petition given in to them by Adam Boig, and the sament being read in their presence, The saids Lords doe heirby allow and grant warrand to the petitioner to sett furth and print ane paper entituled Edinburgh Currant, containing the remarkable forreign newes from thir prints and letters, as also the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence; he alwayes being answerable for the sament, and for the newes therein specified and sett down.

*Act in favours of Mr William Forbes, Advocat, to print
a Book. 8 MAR. 1705.*

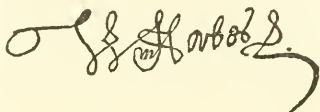
UNTO THE RIGHT HONOURABLE THE LORDS OF HER
MAJESTIE'S MOST HONOURABLE PRIVIE COUNCIL, MR
WILLIAM FORBES, ADVOCAT,

Humbly Sheweth,

That where I have compos'd A Treatise of Church Lands and Tithes, containing the history of Ecclesiasticall revenues, churches, church offices, benefices, gleibs, manfes, patronage, religious and some military orders, with a clear and full discussion of points of right and controverfy relating to these matters: And shewing how farr the Scots and Canon Laws doe agree and differ, the forme of procefs before the High Commission, and the rules observed by that supreme Court in valuing or selling of tithes, settling ministers stipends, erecting or transplanting churches, uniting, annexing, dividing or dismembring parishes, and in reducing their own decreets, together with a distinct explanation of rights arising from decreets of the Commission and falling under the cognifance of the Lords of Session;

May it therefore please your Lordships to grant to me, my heirs or assignes, the sole priviledge of printing vending and selling the forsaide book entituled a Treatise of Church Lands and Tithes &c. and to discharge all other persons whatsoever to print re-

print fell or import into this kingdome any of the faids books for the fpace of nyueteen years from the date hereof And farder under the penalty of five hundred merks Scots money, to be payed by the contraveeners to me or my forfaids, besides the feizure and forefaulture forfaid ; According to Justice and your Lordships anfwer.



EDINBURGH, 13 FEB. 1705.

THE Lords of Her Majesties privie Councell haveing considered the within petition given in to them by Mr William Forbes Advocat, and the sament being read in their presence, the faids Lords doe heirby appoynt the petitioner to wait upon such of the Lords of Session as are upon the Councill, with the Lord Advocat, that the faids Lords may consider and peruse the sheets of the said book ; and recommends to the said Committie to make their report to the Councill with their conveniencie.

TWEEDDALE *Cancell.*

I. P. D.

EDINBURGH 8 MARCH 1705.

THE Lords of her Majesties Privie Councill having confidered the above Petition, &c. Doe heirby grant to the Petitioner his airs or alligneys, the sole priviledge of printing, vending, and felling the forefaid Book, entituled a Treatise of Church Lands and Teiths, &c. And have difcharged, and heirby Difcharges all other perfones whatfomever to print, reprint, fell, or import into this kingdome any of the faids Books for the fpace of nynteen years from the date heirof, and that under the pain of confiscation of the faids books, &c. &c.

Act in favours of Mr James Webster to print a Book.

8 MARCH 1705.

THE Lords of her Majesties Privie Councill Doe hereby grant to Mr James Webster, one of the Ministers of Edinburgh, his airs or alligneyes, the sole priviledge of printing, vending, and felling the book entituled Sacramentall Sermons and Difcourfes, compoled by the faid Mr James; And Difcharges all other perfons whatfomever to print, reprint, fell or import into this kingdom any of the faids books for the fpace of eleven years from the date heirof, and that under the paine and penalty of confiscation of the faids books to the use of the faid Mr James Webster and his forefaids; And farder under the penalty of fyve hundreth merks Scots money, to be paid by the Contraveeners to the faid Mr James Webster or his forefaids, befydes the feizure and forfeiture forfaid.

TO HIS GRACE, HER MAJESTY'S HIGH COMMISSIONER, AND
THE RIGHT HONOURABLE LORDS, AND OTHERS OF HER
MAJESTY'S PRIVY COUNCIL,

THE PETITION OF GEORGE KER AND EVANDER MACIVER,
TACKSMEN OF THE SCOTS MANUFACTORY-PAPER-MILLS,
AND JAMES WATSON PRINTER IN EDINBURGH,

Humbly Sheweth,

THAT your Petitioners finding, to the great discouragement of such as have apply'd themselves and their small Stocks to the improvement of the Paper-Manufactory and Art of Printing in this Kingdom, that vast numbers and quantities of Books relating to the Affairs of Scotland, are daily imported from England, for which exorbitant Prices are imposed upon the Leiges, and considerable Sums of Money carryed of course out of the Nation: A manifest instance whereof (amongst many others that may be given) appears by a Book lately brought from England, Entitled, War betwixt the British Kingdoms considered, &c. which consists of 13 Sheets of Paper only, and yet there's no less than Two Shillings Sterling exacted for each Copy in fitch'd Sheets, without being bound: And the Printer of that Book in England, has contrary to the

apparent design of the Book it self, affixt such a daring and unwarrantable Advertifement at the end thereof, as if the Printers of Scotland had a Dependence on those of England, and could not Re-print any Book here without their License and Permission, which your Petitioners humbly conceived to have been such an open Encroachment on their Native Right, and such an Abuse on the Leiges of this Kingdom in general, that out of a just Resentment thereof, they resolv'd to Re-print the said Book very Correctly on good Scots Paper, and to have sold the same at Ten Pence each Copy, and had advanced a good way in Reprinting thereof, until that, to their great Surprise and Disappointment, they were stop't by vertue of your Grace and Lordships Act, obtain'd by the Mis-information of some Persons here, who from a selfish Design, had borrowed the Author's Name, and pretended that these Books were sold for his benefit only, tho' it can be made appear that they had them at 15 Pence each Copy, which makes their Profit but one single Penny less than your Petitioners intended Price for the whole Book, when Re-printed here.

May it therefore please your Grace and Lordships, to take the Premises into your serious Consideration, and for the Encouragement of the Paper-Manufactury and the Art of Printing at home, and for the keeping of Money as much as may be within the Kingdom, to re-call the said Act of Council, and allow your Petitioners to proceed in finishing the Re-printing of the said Book, before any more Copies of the English Impression be imported upon the Encourage-

ment of the said Act, those already brought home being near fold, as your Petitioners are informed.

And Your Petitioners shall ever Pray, &c.

*Ev. MacIver for self
and Cooper.
Ja. Watfone.*

HALLYROODHOUSE 26TH JUNE 1705.

HIS Grace her Majesties high Commiſſioner and Lords of her Majesties Privie Council, having considered the within Petition given in to them by the Taxmen of the Paper Manufactory; and the same being read in their presence, His Grace and the saids Lords doe hereby Refuse the desire thereof. And appoynts, and ordaines, and Gives orders and warrand to their Macers, to ceite Evand M'Iver and James Watfone, Printers in Edinburgh, as the persones who signes the said Petition: As also the said James Watfone, as the persone also who Reprinted the pamphlet, entituled, Scotland reduced by force of armes and made a province of England, to appear before the Council next Council day, and answer to what shall be layed to their charge thereanent.

SEAFIELD *Cancellor.*

I. P. D.

PROCEEDINGS IN THE CAUSE, ADAM BOIG v. JAMES
DONALDSON, ETC.

TO HIS GRACE HER MAJESTIES HIGH COMMISSIONER AND
THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES
MOST HONOURABLE PRIVY COUNCIL, THE PETITION OF
ADAM BOIG.

Humbly Sheweth,

That your Petitioner having obtained your Lordships liberty and permission for emitting a News-paper, under the title of the Edinburgh Courant, in which I have carryed ever since, with very great care, diligence, and caution, to the satisfaction not only of your Lordships, but of the Leidges in general; Until by misfortune, upon the 22d and 25th days of June last, your Petitioner being importun'd by Mr Evandar McIver, Tackfman of the Paper Manufactory, to insert an Advertisement given in and subscribed by the said Mr McIver, herewith produced, Your Petitioner did most inadvertantly suffer the same to be insert in the Courant, which, (to your Petitioner's great grief), has given offence to your Grace and Lordships, whereupon your Grace and Lordships have justly stopped the Printing and emitting the said Courant, the continuance of which stop will intirely ruine your Petitioner now, after he

hath been at great pains and charges in settling Correspondents at Home and Abroad.

May it therefore please your Grace and Lordships to accept of your Petitioners humble and sincere acknowledgement of his Fault ; and, of your Grace and Lordships bounty and goodness, to repone your Petitioner to the Printing and Publishing the Courant as formerly ; and according to my duty I shall hereafter be more cautious and circumspect, and am most willing that in all time coming no Inland News nor Advertisement shall be published nor put into the Courant, but at the Sight and Allowance of the Clerks of Council.

And your Petitioner shall ever pray,

Adam Briggs

ADVERTISEMENT.

The above Act having been obtained *parte inaudita*, The person chiefly concerned in reprinting the book therein mentioned, having an interest in the Paper manufactory designs to apply to His Grace her Majesties high Commissioner and most honorabill privy Council next Council-day for re-assuming the subject matter of the said act into their farther con-

sideration, in respect that the vending of considerable numbers of such bookes here as are printed in England which may be very well printed or re-printed in Scotland is not only a great discouragement to the improvement of the Paper manufactory and art of printing at home, but likewise the mean of sending unnecessarily a great deale of money out of the nation, and of imposing more then double prices on the Lieges whereby the contents of such books are hindered from being so universally known as otherwayes they may be : And those concern'd in reprinting the said booke make noe doubt but that upon a re-consideration of the premises, His Grace and their Lordships will be pleas'd to allow the same to be finish'd and publish'd ; especially since the said act has been obtain'd by some persons here for their own privat advantage without any mandat or procuratory from the author, whose name was only borrowed for givinge some pretended colour to the petition upon which the said act was obtained.

ED^r 22d June 1705.

Mr Boig insert the above Advertisment in this dayes Courant for your friend

EV. MACIVER.

UNTO HIS GRACE JOHN DUKE OF ARGYLE HER MAJESTIES
HIGH COMMISSIONER AND LORDS OF HER MAJESTIES MOST
HONOURABLE PRIVY COUNCIL,

THE PETITION OF JAMES DONALDSON WRITER OF THE
GAZETTE,

Humbly Sheweth,

Your Grace and Lordships Petitioner having levied a Company of foot at his own charge anno 1689, and having served in the Earl of Angus's Regiment till the same was reduced from 20 to 13 Companies, by quhich expence and being quite put out of the way of Buisness he was so involved in debt that in a few years after all his means were quite exhausted, quhich put your Petitioner to think of all possible means of subsistence, and having projected the writing of a News paper in this place obtain'd your Lordships warrand for penning and publishing all news in a Gazette twice or thrice a week as the said act herewith produced doth testify, He did also procure your Lordships act for the sole printing of Burial Letters, including Heirs and executors, for 19 years, 6 of quhich being expired ; Tho these grants did not wholly ansuer expectation yet your Petitioner made a shift to live thereby, till in February last Adam Boig did very unexpectedly obtain your Lordships warrand to publish a Newspaper only distinguishable from the Gazette by the title, which your Petitioner taking to be inconsistent with his Act which excludes all others, he made

application to your Lordships next Council day to have Adam Boigs Act recalld, quhich not being granted, Adam Boig began very early to shew for what end he had made application to your Lordships, and at the first instant gave his Paper to the Balland cryers 4 s a quair below the common price, as he did likewise to the Postmaster who used to take a parcel of Gazettes weekly ; This obliged your Petitioner to lower the price of his Gazettes likewise, But the said Adam and those who assisted him did still so practise the Paper cryers as to neglect the selling of the Gazette, to deny that there was any printed when inquired at, and also to extol Mr Boig and the Courant as a paper much preferable to the Gazette, both in respect of foreign and domestick News ; Tho such little artifices should seem to merit but little regard, yet by abstracting the Gazette, and the other methods aforesaid, the Courant gain'd credit with some, tho your Petitioner cannot understand upon what consideration, for all the foreign News that ever was in the Courant were taken verbatim out of some of the London papers, and for the most part from Dyers Letter and the London Courant, which are not of the best reputation ; so your Petitioner did never omit any domestick News that he judged pertinent, tho he neither meddled with matters that he had cause to believe would not be acceptable, nor every story and trifling matter he heard ; Moreover your Petitioner doth just now suffer for Adam Boigs fault in having the Gazette stop, tho that disagreeable paragraph was not in, which being in the Courant was displeasing to your Lordships, as well as by his practising the paper sellers, so that by their combinations they neither

would sell the Gazettes, nor permit any other person whom I employ'd, pretending to be countenanced by the Magestrats.

As your Petitioner has suffered all these ways by Adam Boigs premeditat and designed endeavours, joined with others who assists him, so your Petitioners loss is yet greater by the oblique consequences thereof; for just about the time when Adam Boig obtain'd his Act, your Petitioner was contracting with some gentlemen for setting up an fire Arm Manufacture, quhich your Petitioner had obtained privilege for from your Lordships, against much opposition of the Hamermen of Edinburgh; the people with who he was contracting, perceiving how your Petitioner was defeat in the matter of the Gazette, fearing some other person might likewise defeat the design of the fire Arm Manufacture by some seeming distinction of setting up another thing, brok off; so that your Petitioner can make nothing by it notwithstanding of all his pains.

Besides these injuries done to your Petitioner he is farther threaten'd by some Printers in Town, that declare their intention to print Burial Letters notwithstanding your Petitioners privilege as above represented; against quhich your Petitioner should think himself secure enough, were it not that he has been so baffled in the matter of the Gazette that he knows not how far he may be disappointed in this.

It is also further humbly represented, that your Petitioner is informed that Adam gives out that your Petitioner has no

intrest in the Gazette having quited the same to John Billat the truth is your Petitioner being disabled to cary on the Gazette by all these means above represented he left off publishing thereof the 7th of May last but gave no power to John Billat but a bare permission during pleasure and he is sure your Lordships will not think it a good reason to deny your Petitioner his just right because through the Artifices of his Enemies he was debilitat to retain the same for a time.

As your Lordships cannot but perceive into what a lybirinth of difficulties dangers and losses your Petitioner is involved that he believes the like has scarcely hapen'd to any man so he is confident no man ever gave less ground of offence or envy all these methods which he has taken to earn bread not having had an existence when he aply'd for them and consequentlie obtaining of his request wrong'd no man and for that reason ought the less to be coveted by any.

May it therefore please your Grace and Lordships to consider the premises and the Act in your Petitioners favours relating to the Gazette herewith produced, and if the same shall seem to your Lordships to entitle your Petitioner to the sole privilege of publishing the News (as he takes it to do) thereupon to Recal the Act in Adam Boigs favours and Retify your Petitioners allowing him also to sell his papers to the best advantage And also to Retify and Confirm his other Acts in Relation to the Burial Letter and Fire Arm Manufacture declaring that it is your

Lordships intention that they should stand in full force against all persons who without your Petitioners warrant shall presume to print Burial Letters or make use of such engines as are invented or first used in this kingdom by your Petitioner during the space and under the penalties contain'd in the said Acts respectively as they herewith produced do purport.

And your Petitioner shall ever pray, &c.

James Donaldson

HOLYROODHOUSE THE 26 OF JUNE 1705.

HIS Grace her Majesties high Commissioner and Lords of her Majesties Privy Council Doe appoint and ordain, and Gave order and warrant to their Macers to cite Adam Boig, author of the Currant, to appear before the Council next Council day peremptorie, and answer to what shall be laid to his charge for inserting ane particular paragraph in his Currant; and in the mean time Discharges the said Adam Boig author of the Currant, and James Donaldson author of the Gazett, to print or expose to publick sale any Currants or Gazetts, till further orders of Council thereanent.

SEAFIELD *Cancellar.*

I. P. D.

UNTO HIS GRACE HER MAJESTIES HIGH COMMISSIONER,
AND THE RIGHT HONOURABLE, THE LORDS OF HER MA-
JESTIES MOST HONOURABLE PRIVY COUNCIL,

THE HUMBLE PETITION OF ADAM BOIG,

Sheweth,

THAT the Petitioner's Courant was by your Grace and Lordships most Justly Stopt, on Account of a most Impertinent Advertisement therein insert in June last; Which your Grace and Lordships had good Ground to have thought was my own Fact, altho it was truly insert by the Impertunity of Mr. Evander M'Iver. Upon the 24 of July I applyed to your Lordships, and craved that your Lordships in your Clemencie and Goodness, might yet allow me to publish the Courant, I being discharged to insert any Scots News, till they were Revived by the Clerks of Council.

At the same time there was another Petition given in by Ja. Donaldson Author of the Gazette, desiring the Stop put to the Gazette to be taken off; And complaining of your Lordships Act in my Favours, upon several frivolous Grounds: Upon reading of which two Bills, your Grace and Lordships were pleased to allow the Gazette to go on (as to which I have nothing to say); And appointed me to be cited to next Council-day: And in the mean time to See and Answer Donaldson's Petition. As to which I humbly beg leave to Repre-

sent to your Grace and Lordships, That I cannot express my Grief and Sorrow, for having had the least Accession to any thing that gave your Grace and Lordships Offence; And that if wrong could have any Warrant (which it cannot) the Petitioner has some Excuse for this his Fault, for the Paragraph of the Courant justly quarrelled, is not insert as News, but as an Advertisement given in by Mr. M'Iver, subscribed with his hand, the Principal whereof is in the Clerk of Councils hands. I must, notwithstanding, with all Submission own that it was still a Crime in me to insert it, and in the due Sense of my Guilt, I humbly submit my self to your Lordships Censure. And as to my being cited, your Grace and Lordships Trouble of Libelling me may be prevented, for I acknowledge my Guilt, and Submits as above. As to Captain Donaldson's Petition (I mean that part thereof which desires my A&C to be Recall'd) I humbly beg leave to Inform the Honourable Board, That that Affair seems to be *res hactenus judicata*, for upon the 15th. of February last, a Petition to the same purpose was presented by Donaldson, and after mature Deliberation, was Refused without a Contradictory Vote. I humbly suppose it needless to trouble your Grace and Lordships with Answering every particular Storie of that long Petition, only this in General, The Petition Complains; That I Underfold him; That my Courant bore nothing but what was collected from Foreign News-Papers; And that it gained greater Reputation than his Gazette. As to the First, It was his Fault if he kept the Gazette too dear; And I must say, that his Profit cannot but be Considerable, when he sells at my Price, for all

my News comes by the common Post, and I pay the Postage; Whereas John Biffet his Conjunct gets his News all by the Secretaries Pacquet free of Postage, which is at least Eight Shilling Sterling a Week free Gain to them. As to the Second, I own that the Forreign News was collected from other News-papers, and I suppose Mr. Donaldson has not his News from first hands more than I did: But the Truth is, the Courant bore more, for it always bore the Home-news, especially anent our Shipping, which I humbly suppose was one of the Reasons of its having a good Report; And Mr. Donaldson, tho' he had a Yearly Allowance from the Royal Burrows, never touched any thing of that Nature, nor settled a Correspondent at any Port in the Kingdom, no not so much as at Leith. As to the Third, It's left to your Grace and Lordships to judge if it be a Crime in me, that the Courant had a greater Reputation than the Gazette. Upon the whole, I humbly presume to say, That the Courant was a News-paper published by Authority, and reckoned by the greatest part of the Kingdom Useful: That Mr Donaldson's former Bill to this same purpose was Refused. And as to my great Offence, I humbly submit my self to your Grace and Lordships Mercy.

May it therefore please your Grace and Lordships, in Consideration of my Circumstances, to take the Premises to your Serious Consideration; And of your Goodness and Clemencie, to accept of this my humble Submission: And if your Grace and Lordships incline to inflict any Punishment on me for my Offence, to mix Mercie with Justice, and make the Punishment

such as may not utterly ruine me; And yet allow me to Print and Publish the Courant, notwithstanding of Mr. Donaldson's Petition, the Scots News being always Revived by the Clerks of Council before inferting; Without which the Petitioner is utterly ruined.

And your Petitioner ihall ever pray.

Adam Bogle

UNTO HIS GRACE JOHN DUKE OF ARGYLE HER MAJESTIES
HIGH COMMISSIONER AND LORDS OF HER MAJESTIES MOST
HONOURABLE PRIVY COUNCIL,

THE PETITION OF JAMES DONALDSON WRITER OF THE
GAZETTE,

Humbly Sheweth,

That last Council day your petitioner had a petition before your Grace and Lordships, representing to the effect following, viz. That John Ried younger, printer in Edin^r, had lately, without your petitioner's warrand and consent, printed Burial Letters for his own behove, tho' your petitioner has an ample act of your Lordships in his favours for the sole privelege thereof, as the same in the Clerk's hands doth testify;

And also That as Adam Boig had furuptiously obtained your Lordship's warrant in Feb. laſt to print a News paper, which your petitioner humbly conceived inconſiſtent with your act and privilege in his favours concerning the Gazette, and that firſt Council day following he haſtely preſented a ſhort petition craving the full benefit of his ſaid Act, but it not being then produced, the matter was let fall, ſo that your petitioner forbore any further application till he found himſelf inſupportably leiſed by the ſaid Adam Boig ; and it happening that when he was about to apply a ſecond time, Mr Boig fell under your Lordship's diſpleaſure, and a ſtop was put to the publication of his print, in which calamity your petitioner ſhared, tho' innocent ; and your Lordships having cauſed ſummond Mr Boig before you for his ſaid offence, and committed the examination of his affair to a Committee, to know who aſſiſted him in the carrying on of his Courant, (a ſubject extraneous to your petitioner's complaint,) it was humbly conceived to be a proper time to repreſent your petitioner's caſe when Mr Boig's Report came in, but his petition being neglected to be then read, he with all imaginable humility and earneſtneſs, begs that now his Act concerning the Gazette, herewith produced, may be taken into conſideration, ſeing hitherto it has not been read in your Lordships preſence, nor conſidered in Council, and that the doing any thing in prejudice thereof doth not only utterly ruin your petitioner, who has a numerous family to provid for, (in whoſe miſery your Lordships can have no ſatiſfaction,) but it derogats from your Lordships authority, for if you ſhould think fit to diſpence with your own Acts, all who have

obtained your Lordships grants must enjoy them precariously ; and being hitherto it has not been your Lordships practice to dispence with them, it is hoped your Lordships will not now begin with your petitioner, whose case pleads preference to his competitor, tho' their pleas were on an equal footing, and there is no possibility of two News Writers subsisting by that employment in this place. It is further represented that your petitioner has not been able to go on with a profitable project of making engines for facilitating of Smith work, the parties who were to have assisted therein having deserted him upon A. Boig's obtaining leave to print his Courant, least some of his temper might, after much expence bestowed on setting up such a work, defeat your Lordships Act establishing it.

May it therefore please your Grace and Lordships to take into consideration your petitioners forsaide Acts, herewith produced, and to desern the above John Ried to pay the penalty contained in your Lordships act in your petitioner's favours for printing Buriall Letters, for his said encroachment, and discharge Adam Boig to publish any more News papers for the future, and to declare that it is your Lordships intentions that none print Buriall Letters, or make use of the Engines first used or invented by your petitioner, under the certifications contained in the said respective Acts, during the terms therein mentioned, or at least to appoint a Committee to examine the whole affair, and make report thereof to your Grace and Lordships.

And your petitioner shall ever pray.

VNTO HIS GRACE THE DUKE OF ARGYLE, HER MAJESTIES
HIGH COMMISSIONER ; AND THE LORDS OF HER MAJESTIES
MOST HONORABLE PRIVY COUNCILL :

THE PETITION OF JAMES DONALDSON, WRITER OF THE
GAZETTE,

Humbly Sheweth,

THAT your Petitioner having some Years bygone, Obtain'd the sole Privelege of Publifhing the News, which Project was look'd on as a general Benefit, and hes been Proficute with fo much Care and Diligence, that by this means he made a shift to fublifh himfelf and Family, and was thereby Supported under the great Loffes he fuftain'd by his early Zeal and Affection to the Government, as is well known to many of your Lordfhips.

Tho this Project encroached on no Man's Province, but was fet on foot by your Petitioner for Supplying the pinching Necessities he was Reduced to, yet this could not Skreen him from Envy ; Adam Boig out of a Design to Wreft this fmall Benifit to himfelf, contrived with a Printer (formerly employed by your Petitioner, whom he found it his Intrest to difengage himfelf of) to undertake a News Print under the name of a Courant.

Your Petitioner judging himfelf extremely leifed by this new Encroachment, applyed to your Lordfhips to have the Privelege formerly granted him made effectual, but his Act of

Council not being given in with his Petition, which was hastily presented first Council Day after Adam Boigs Encroachment, the matter was let fall.

Your Petitioner has since produced before your Lordships the Act allowing him the foresaid Priveledge, and craved the full Benefit thereof; and that Mr Boig might be discharged to publish his News Paper, which was a manifest Encroachment upon your Petitioners Right and Privelege, and does altogether frustrat and evacuat your Lordships Grant in his Favours.

To which Petition Mr Boig has given in a Counter Petition by way of Answers, wherein he endeavours to lessen and depreciat the Gazette, and alledges your Petitioner is at less Expence for News than he, tho the Gazette is fold dearer than his Paper, and pretends the contraverfy is *Res hactenus judicata*.

To which your Petitioner humbly Represents, that your Lordships Act allowing him the foresaid Privelege, was not under Consideration at the time Mr Boig pretends it was Cognosed; and tho the matter were true which he alledges as to the way your Petitioner gets his News, it is of no moment, but the Fact is quite otherways; for your Petitioner gets no news from John Bisset; but has been at considerable expence for them, as he can shew by the Post Masters Discharges: Whereas he has Dyer's Letter without any Price for Corresponding with him, out of which and paragraphs of the London Courant, coppied verbatim, he makes up his Courant: Whereas the Gazette is a Collection from the most famous News Writers, who are look'd on as most Impartial and have the best Intelligence. It is wonder'd how Mr. Boig can make

this Representation in your Petitioners last Petition to be an acknowledgement that the Courant obtain'd greater Reputation than the Gazette; Or how he can assert that there was never any Domestick News in the Gazette, when the contrary is Notour to all who read it.

By all which it will evidently appear to your Lordships, how calumnious Mr. Boig's Representation is, and how injurious he is to your Petitioner, in endeavouring to deprive him of his Bread, which he earns with abundance of Pains, and has cautiously and faithfully discharged the Trust reposed in him, to the satisfaction of all unbyassed and well affected Persons; and tho your Petitioner has sufficient Provocation from Mr. Boig's Acting to his great Prejudice; yet seeing he is at present under your Lordships Censure, he forbears any Reflections at the time.

Your Grace and Lordships are entreated to consider, that the Motives for granting your Petitioners foresaid Privilege were, because the Project was his own Invention, and that it would in some measure help to repair his Losses sustained as aforesaid, the same Reasons subsist still; and therefore it is hoped your Lordships have not altered your favourable Inclination, seeing there is nothing done on your Petitioners part to merit your Displeasure: and tho at first granting of your Petitioners Privelege, it was voluntary and entirely owing to your Lordships Bounty, yet being past into an Act, it bears a *Jus quæsitum*; and any thing done in prejudice thereof derogats from your Lordships Authority, which unless strictly observed, none who obtains Gifts can be secured; and it is an uncon-

traverted Principle in Law, that all Priveleges are to be understood in the most favourable, ample and extended Sense, and no ways restricted; whereas if this Infringement be allowed, it may encourage some of Mr. Boig's Temper, to make the like Attempts upon other Acts granted by your Lordships, which would be of bad Consequence.

In answer to an objection which may be made, as if your Petitioner's Request did imply a Monopoly, it is urged, that in this Case there is no Inhauning of employment into one hand which can be divided among many, for with much difficulty did your Petitioner sublist by the Gazette while he had no Competitor, and all who attempted to publish News Papers in this Kingdom before him, were always obliged to give it over as impracticable, because of the small numbers of people who buy News-papers, so that it's not possible for two to Sublist thereby; and if your Lordships should allow two, the Result must be, that he who could bear out longest by underselling and wresting Customers from the other must carry it, and your Petitioner is informed that several persons who bears him no good will, promise to assist Mr. Boig to a years Expence of the Courant, that he may undersel, outweary and quite ruine your Petitioner, to whom its hoped your Lordships will not afford a Handle, to perpetrat their Designs; especially feing the Motives which Induced your Lordships to favour your Petitioner at first, do still sublist; yea, and even encrease, because his Family is greater, and besides the Project on which his Competitor would intrude, is his own, and is improved beyond what it ever was in this Kingdom before, in which

case even Monopolys are usually allowed, to Inventors and Improvers, for 19 years or some considerable space.

May it therefore please your Grace and Lordships, to Consider the Act in your Petitioner's favours concerning the Gazette, herewith produced, to confirm and Ratify the same, and to discharge Adam Boig to publish any News Print for the future ; and also to declare, that it is your Grace and Lordships Intention, that Your Petitioner's other Acts concerning printing Burial Letters and new Invented Engines, facilitating of Smith Work, shall stand in full Force, according to their respective Tenors ; and that none Print Burial Letters, or make use of the said Engines during the respective Terms mentioned in the said Acts, under the Certifications therein contained.

And your Petitioner shall ever pray, &c.

Further Representation of James Donaldson.

YOUR Lordships petitioner did in his former petition, represent, That upon Adam Boig's obtaining leave to publish a News print, several persons who were contracting with your Petitioner, for setting up a Fire Arm Manufacture, deserted him, and that he was threatened by some Printers in town, that they would print Burial Letters notwithstanding of your Lordships Grant in his favour for the sole privilege ; and actually since the drawing of this last petition, John Ried,

younger, printer, has without the warand or consent of your petitioner, printed Letters to the Funeral of Mr Dunlop, Minister at Kirkowan, by which deed, and the foresaid consequences of Adam Boig's obtaining leave to publish News, your Petitioner is not only utterly ruined, but your Lordships authority is disregarded and like to be contemned, if your Lordships do not vindicat the same in granting the desire of your petitioners petition.

HOLYROOD-HOUSE, 24 JULY 1705.

His Grace her Majesties high Commissioner and the Lords of her Majesties Privie Councill having considered the above Petition given in to them by James Donaldfone writer of the Gazette and the famen with ane other petition by Adam Boig being read in their presence his Grace and the faids Lords doe hereby Grant warrant to the said James Donaldfone to ceite the said Adam Boig to appear before the Councill next Councill day to debate as to the subjeēt matter contained in both petitiones And in the mean time allows Adam Boig to see and answer Donaldfones petitione And his Grace and the faids Lords doe heireby take off the former stop given by their Lordships to the printing of the Gazet and allows the said James Donaldfone to print and publish the famen as formerly in the meantyme ay and whyle farder orders of Councill thereanent.

SEAFIELD *Cancellar. I. P. D.*

*Recommendation to the Committee to meet anent Adam Boig.*EDINⁿ 25 AUGUST 1705.

HIS Grace her Majesties high Commiffioner and the Lords of her Majesties Privie Council Doe heireby nominate and appoint the Lord Justice Clerk Mr Francis Montgomery and Blacader to be a Committee to call for Adam Boig Author of the Currant and cause him condescend who are partners with him in publishing the said Currant And Recommends to the said Committee to meet on Monday morning at ten o'clock in the forenoon and Declaires any two a Quorum and Report.

SEAFIELD *Cancellar. I. P. D.**Procedor of the Committee anent Adam Boig, author of the Currant.*

SEDERUNT—Lord Justice Clerk and Sir John Home of Blacader and afterwards Mr Francis Montgomerie cam in.

EDⁿ 29 AUGUST 1705.

THE Committie haveing called for Adam Boig and examined him in the termes of the Remitt That he should condescend who were his partners in publishing of the Currant Declares he hes no partners As for the forraigne news he takes them from the prints For the home news he hes them from persons concerned in the Custome offices at the severall ports except Aberdein which he hes from one Cruckshanks who keeps a

publiſt Coffe houſe there As to any thing wherin the Government might be concerned he waited on the Clerks of Council only as to that Advertiſment concerning Mr Hodges Book he acknowledges he was impoſed upon And humbly begs pardon for it And engagdes never to do the lyke for the future And humbly begs that the Lords of her Majeſties moſt honorabill Privie Council will be pleaſed to take off the ſtop to publiſhing his Currant which is the only mean of his livelielihood and ſubſiſtance.

ADAM BOIG.

It's the opinion of the Committie that the ſtopp may be taken off the ſaid Adam Boig Enacting himſelf never to publiſh any thing concerning the Government till firſt it be revied by the Clerks of Council And that under ſuch penaltie as the Lords of Privie Council ſhall think fitt.

AD : COKBURNE.

JOHN HOME.

F. MONTGOMERIE.

HOLYROODHOUSE 2 OCTOBER 1705.

His Grace her Majeſties high Commiſſioner and Lords of her Majeſties Privy Council haveing conſidered the petition given in to them by Adam Boig with the within Report of the Committy of their own number appoynted thereupoun and the ſamen being read in their preſence his Grace and the ſaids

Lords have approven And heirby approve thereof And have taken off and heireby takes off the stoppe formerly made by their Lordships to the said Adams printing and publishing the Currant And have permitted and allowed and heireby permits and allows the said Adam Boig to publish and print the said Currant as formerly upon his enacting himselfe in the books of Privy Council That he shall publish nothing concerning the Government till first the samein be revifed by the Clerks of Privy Council and appoynts and ordaines the Clerks forfaid to revife the samein accordingly.

SEAFIELD *Cancellar. I. P. D.*

Enactment by Adam Boig 5th October 1705.

BE it knowen To all men be thir presents Me Adam Boig author of the Edinburgh Curant Forasmuch as the Lords of her Majesties Privie Council be their act of the date the second day of Oçtober instant did take off the stop formerly made by their Lordships to my printing and publishing the Curant and allowed me to publish and print the samen as formerly upon my enacting of my selfe to the effect efter mentionat Therefore Witt ye me to be bound obliedgd and enacted Likeas I be the tenor heirof bind obliedge and enact my selfe in the books of her Majesties Privie Council That I shall publish nothing in my Curant concerning the goverment till first the samen be revifed by the Clerks of her Majesties Privy Council And I consent to the registratioun hereof in the books

of her Majesties Privie Council to have the strength of ane decret that letters on fix dayes and others if need be's may be direct hereon In form as effeirs And to that effect Constituts

My procurators In witness whereof written be John Braid writer in Edinburgh I have subscribed thir presents at Edinburgh the fifth of October I^m VII^c and five years before these witnesses David Caw writer in Edinburgh and the said John Braid.

Adam Braid

DAVID CAW *Witness.*

J^o BRAID *Witness.*

*Act in favours of Mr James Anderson, Writer to the Signet,
for a liberty of corresponding with France.*

UNTO HIS GRACE THE DUKE OF ARGYLL HER MAJESTIES
HIGH COMMISSIONER AND TO THE RIGHT HONORABIL THE
LORDS OF HER MAJESTIES MOST HONORABIL PRIVY COUNCIL

MR JAMES ANDERSON WRITER TO HER MAJESTIES SIGNET

Humbly Sheweth

THAT in pursuance of the Recommendation of the Parliament he is proceeding to give an Account of the ancient Charters and Seals of the Kings of Scotland And being cre-

dibly inform'd That there are several original ancient Charters of the Kings Nobles and Churchmen of Scotland in the Scots Colledge of Paris in France and that there are also some ancient authentick Chartularies in that place.

May it therefore please your Grace and Lordships to allow your Petitioner to correspond with persons in France for procureing transcripts of the saids Charters and draughts of their Seals he alwise showing his Letters and Returns to any your Grace and Lordships shall nominat As also May it please your Grace and Lordships to Prohibite and Discharge the Reprinting Selling or Importing into this Kingdom the Book composed by him Intituled, An Historical Essay shewing That the Crown and Kingdom of Scotland is Imperial and Independent, without your Petitioners consent, and that for such a space and under such penalties as your Grace and Lordships shall think fitt And your Petitioner shall ever pray.

HOLYROODHOUSE 4TH OCTOBER 1705.

HIS Grace her Majesties high Commissioner and Lords of her Majesties Privie Counsell, having considered the within Petition, given in to them by Mr James Anderfon Writer to her Majesties Signet, and the samen being read in their presence, His Grace and the saids Lords doe heirby permitt and allow the Petitioner to correspond with persons in France, for procureing transcripts of the antient Charters and Sealls of

the Kings of Scotland, The Petitioner always communicating his letters that he shall fend to France and the returns that he shall have to the sauen, To the Lords Thesaurer deput, Advocat, or Justice Clerk, or any one of them; and His Grace and the saids Lords Grants to the Petitioner the sole power, priviledge and liberty of printing, vending, and selling the book entituled Ane Historicall Essay, shewing that the Crown and Kingdome of Scotland is Imperiall and Independent, And discharges all other persons whatsomever to print, reprint, vend, sell, or import into this kingdome any of the saids books for the space of nynteen years from the date heirof, without the Petitioner or his airis or alligneyes ther speciall licence, liberty, and leave for that effect, And that under the penaltie of fyve hundreth merks Scots money, to be payed to the Petitioner or his forsaids, by and attour the confiscation of the saids books to the Petitioner allenerly.

SEAFIELD, *Cancellar. I. P. D.*

Act in favours of Robert Monteith.

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL, THE PETITION OF ROBERT MONTEITH, MASTER OF ARTS,

Humbly Sheweth,

That there have come into your Petitioners hands an ancient and elegant Epitaph upon the never to be forgotten King James the Sixth, entituled An wounded heart sacrifized in tears, &c. holograph by Walter Stewart of Eymouth Loan-

head, the authour. As likewayes, ane ingenious and facetious rythmical Poem in Latine, entituled *Vetus querela eaque Rythmica de fide erga Deum et homines in mundo fere extincta*, both herewith produced; And whilk papers wold be very pleafand and acceptable to many people, if your Lordships wold allow your Petitioner to print, reprint, and vend them in maner underwritten.

May it therfor please your Lordships to grant and allow to your Petitioner, his heirs or assignees, the sole power, liberty, and priviledge for the space of Ten yeares after your act theranent, To print, reprint, vend and sell the saids two papers entituled as above; And to discharge all other persons within this kingdom for the space forsaids, To print, reprint, import, vend or sell the saids two papers above-mentionat, or any of them, without consent of your Petitioner or his foresaids, under the paine of ten pounds Sterling, to be payed be each contraveener *toties quoties* to the Petitioner or his foresaids for each transgression in the premisses anent any of the two papers above-mentionat, attour confiscatioun of the Copies to be printed, reprinted, imported, vendid or sold in defraud and prejudice heirof.

And your Petitioner shall ever pray.

Montaigne

EDINBURGH 20 NOVEMBER 1705.

THE Lords of her Majesties Privie Counsell having considered the within petition given in to them by Mr Robert Monteith, Master of Arts, and the same being read in their presence, The saids Lords doe heirby Grant and allow to the Petitioner, his heirs and assigneys, the sole liberty and priviledge to print, reprint, vend and sell the antient Epitaph upon King James the Sixth, Entituled Ane wounded heart sacrificed in tears, &c. by Walter Steuart of Eymouth, author therof; as also, ane ingenuous and facetious Rhythmical Poem in latine, entituled *Vetus querela eaque Rhythmica de fide erga Deum et homines in mundo fere extincta*, And prohibits and discharges all other persons whatsoever to print, reprint, vend, sell, or import the saids two papers above-mentioned, or any of them, without the petitioner or his foresaids their licence and liberty had therto; And that for the space of ten years from the date hereof, under the penalty of ane hundred and twenty pounds Scots money, to be paid to the Petitioner or his foresaids by the persons contraveining this present act, by and attour the confiscation of the saids two papers and forfeiture forsaide.

SUTHERLAND, *I. P. D.*

EDINBURGH 22 NOVEMBER 1705.

RECEAVED up by me, Mr Robert Monteith, within and above designed, the Epitaph and Poem, being the two papers

mentioned to be produced with the within Petition, I say received the same by me.

R. MONTEITH.

*Act in favours of Agnes Campbell, relict of Andrew Anderson,
Her Majesties Printer.*

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF AGNES CAMPBELL, RELICT OF ANDREW ANDERSON, HER MAJESTIES PRINTER,

Humbly Sheweth,

That where your Petitioner, by my Lord Register's licence, being about to print the Acts of Parliament of King James the 7th, and Acts since the Revolution, in a small Volume for the more ease and accommodation of the whole Ledges, And your Lordships authority being necessary to be had thereto, lest that others may presume to reprint or import the said Acts into this kingdom in any Volume whatsoever, to your Petitioner's great prejudice and discouragement, contrary to her right and privilege to do the same; and that your Petitioner, as said is, obtained my Lord Register his licence and consent to print the said Acts:

May it therefore please your Lordships not only to in-

terpone your authority to the printing of the said Acts of K. J. the 7th, and Acts since the Revolution, either in great or small Volumes, by the Petitioner or her Assignees, but also prohibit and discharge all other persons whatsoever to print, reprint, sell, vend, or import into this kingdom any of the above said Acts, in any Volume or form whatsoever, for the space of 19 years after the date of the said Acts, without the Petitioner or such as shall have right from her, their licence and libertie had thereto ; and that under the penalty of 500 merks, *toties quoties*, to be paid to her or her assignees by the persons contraveeners, by and attour confiscation of the books.

EDINBURGH, 30 NOVEMBER 1705.

The Lords of her Majesties Privie Council haveing considered the within Petition given in to them by Agnes Campbell, Reliēt of Andrew Anderfon, Her Majesties Printer, and the samen being read in their presence, The saids Lords have interponed, and hereby interpones their authoritie to the Petitioner or her assignees their printing of the Acts of Parliament of King James the Seventh, and Acts since the Revolution, either in great or small volumes, and prohibits and discharges all other persons whatsoever to print, reprint, sell, vend, or import into this kingdome any of the saids Acts of Parliament in any volume or form whatsoever for the space

of nynteen years after the date heirof, without the Petitioner or fuch as fhall have right from her, their licence and libertie had thereto; and that under the penaltie of fyve hundreth merks Scots money, *toties quoties*, to be payed to the Petitioner or her affigneyes by the perfons contraveening thir presents, by and attour confiscation of the faids books, The price of the faids Books being alwayes regulat by the faids Lords.

SUTHERLAND, *I. P. D.*

EDINBURGH, 20 NOVEMBER 1705.

The Lords of Her Majesties Privie Counsell doe heirby appoynt and ordaine the Actis past in the last Session of Queen Anns Parliament, to be fold at one pund ten Shilling Scots, and Discharges Mrs Anderfon, her Majesties Printer, to exact any more for the famen.

SUTHERLAND, *I. P. D.*

*Act in favours of James Porterfield, Schoolmaster in
Edinburgh, for printing a Book.*

UNTO THE RIGHT HONOURABLE THE LORDS OF HER
MAJESTIES MOST HONOURABLE PRIVIE COUNCILL, THE
PETITION OF JAMES PORTERFIELD, SCHOOLMASTER IN EDIN-
BURGH,

Humbly Sheweth,

That where the Petitioner, after a great deall of pains,

has compiled a little book entituled Edinburghs English Schoolmaster, containing in thretty-fix lessons all the words in the Old and New Testament, with the Catechisme and Instructions therewith, being the easiest way to spell and read either English or Latine that ever was publictly knowne to this day, Examined and approved by the Colledges of Edinburgh and Glasgou: And albeit the said book be the effects of the petitions toyll, yet the advantage thereof may accrels to others, who may reprint and vend the same, unless your Lordships provyd remeid.

May it therefore please your Lordships to allow to the Petitioner the sole priviledge of printing, reprinting, vending or felling of the said book, And to discharge all others from printing, reprinting, disposing upon, importing, vending or felling the same within this kingdome, without the Petitioners allowance, for the space of nyntein years, under the penaltie of fyve hundreth merks, *toties quoties*, by and attour confiscating of the saids books, conforme to your Lordships dayly practique in the lyke caises.

And your Petitioner shall ever pray.

EDINBURGH, 29 NOVEMBER 1705.

THE Lords of her Majestie's Privy Councill having considered the within petition given in to them by James Porterfield, Schollmaster of Edinburgh, and the same being read in

their prefence, the faids Lords doe herby allow and grant to the Petitioner the fole priviledge of printing, reprinting, vending or felling of the book entituled Edinburghs Englifh Scholmafter, and difcharges all others from printing, reprinting, vending, felling, difpofing upon, or importing into this kingdom, any of the faids books for the fpace of nynteen years from the date herof, without the Petitioner's licence for that effect, and that under the penalty of fyve hundered marks, *toties quoties*, to be paid by the contraveners to the petitioner, by and attour confifcation of the faids books.

CRAFURD, *I. P. D.*

EXTRACTS FROM THE RECORDS OF
THE BURGH OF THE CANONGATE
NEAR EDINBURGH.
MDLXI—MDLXXXVIII.

BURGH OF THE CANONGATE.*

Curia capitalis burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem post festum Sancti Michaelis Archangeli coram Johanne Hart et Johanne Oswalde ballivis dicti burgi necnon curia regalitatis et baronie de Brochtoun tenta in dicto pretorio coram Johanne Logune ballivo dicte regalitatis et baronie specialiter constituto primo die mensis Octobris Anno domini 1^{co} V^o sexagesimo primo Curia affirmata et sectis vocatis.

ABSENTES.

Alexander Bruce of Arth for his landis of Arth
Patrik Cockburne of Clarkintoun for his landis of Ogilface
Johne Forrest James Polwart for thair landis of Prestoun
Dauid Hammiltoun of Prestoun for his landis of Prestoun

* These Extracts are printed from a volume of Proceedings of the Burgh of the Canongate, discovered some time ago in private possession, and lately restored to the Magistrates. It is entitled, "*Libro Consilii Burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh ac Registri Cartarum Communitatis ejusdem.*"

Williame Hurne of Lochtullo for his landis of Lochflat
 James Erle of Arrane for his landis of Kerse
 James Gil for his landis of Ogilface
 Williame Hammiltoun for his landis of
 Robert Carneorse of Couslie for bak Spittall and foir Spittall
 Johnne Scott Alexander Livingstoun the relict of Johnne Rob James
 Swerd George Levingstoun for thair landis of Falkirk
 James Dennestoun wife for hir ackeris besyde Linlithgow
 Oliuer Sinclere for his landis and baronie of Quhitekirk
 ——— Broun of Colstoun for his landis of Sanderisdail
 The relict of Maister Dauid Bothwell for the landis of Meldrummis-
 heugh
 Maister George Creichtoune for his landis of Halkerstouneroft James
 Forret for his landis of Quhitecroft
 The relict of vmquhill Hew Douglas for the landis of Lytill Fasyde
 Robert Carneorse for his landis of Reiddoch
 ——— Wdart Henrie Setoun for the landis in Sanet Leonardis
 James Achesoun for Barbour landis
 The relict of George Touris for hir parte of the landis of Brochtoun
 and Walkmylnis
 Maister Thomas McCalzane for his parte of the landis of Brochtoun
 Johnne Lermont for the landis of Sauchtoun.

Absentes infra burgum vicicanonicorum.

The prebendaris of the Trinitie College Johnne Portows Williame
 Quhite the relict of Williame Gray Marione Forrester the prebendaris
 of Restalrig Johnne Patersoun the relict of James Smyth the relict of
 Maister Dauid Bothwell Johnne Broderstanis James Gray Patrik
 Johnnestoun Patrik Archar Thomas Reidpath the cheplane of Alhallow

altar the Frenche Provest Merchell Robert Bell the relict of Alane Andersoun Alexander Mauchane Johnne Murray Jonete Crunzeane Oliuer Sinclere Cristiane Langmuir Johnne Warrok Cuthbert Fergusoun Mark Stevingstoun George Forman James Thomsoun Gilber Geichane Thome Huntar George Forman Andro Purves the relict of James Hendersoun Johnne Blakburne Fernauld Coquile James Lamb the dekin of the masons and the wrychtis.

Quo die Georgius Makeube factus est burgensis dicti burgi pro certa summa pecunie solvenda ad voluntatem ballivorum.

Quo die Johannes Manvall factus est burgensis dicti burgi pro certa summa pecunie solvenda ad voluntatem ballivorum et Juratus est.

Curia burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. tertio Octobris Anno 1^o V^c lxi^o.

The Baillics for this yeir.—The quhilk day the Counsale and maist parte of the communitie of this burgh hes continewit the said Johnne Harte James Wilke in the office of baillierie for this burgh for this present yeir And als hes chosin to be with thame Johnne Logane Johnne Achesoun and Williame Quhite baillies for the said yeir And the saidis Johnne Harte James Wilke Johnne Logane Johnne Achesoun acceptit the said office upoune thame and maid faith in Jugement to exerce in thair offices lelele and treulie And Ordanis the said Williames aith to be tane.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem coram Johanne Harte ballivo Necnon curia regalitatis tenta in dicto pretorio coram Johanne Logane ballivo ejusdem octavo die mensis Octobris Anno I^{co} V^e lxj^o.

The quhilk day Williame Quhite maid faith in Jugement to exerce the office of baillierie in this burgh for this present yeir lelele and treulie.

John Young Gibson souertie to enter Johne before the Barroun Baillie.—The quhilk day Johnne Young baxter become souertie to enter Johnne Gibsoun befor the foirsaid barroun baillie this day xv dayis within the toulbuith foirsaid to underly the law for the allegit mutilatioun of Johnne Smyth and utheris crymes continit in the foirsaid barroune baillie precepte direct thairupoune vnder the pane of aae hundreth merkis And the said Johnne Gibsoun oblist him and his airis to releif and keip skaityles the said Johne Young of the said souertie.

Robert Muir souertie to enter Johnne Smyth.—The quhilk day Robert Muir Baxter become souertie to enter Johnne Smyth befor the said barroune baillie this day xv dayis within the toubuith foirsaid to underly the law.

Decimo die mensis Octobris Anno I^{co} V^e lxv^o.

Henrie Hatmaccar.—The quhilk day Henrie Hatmaccar induellar in Leyth vpoune the north side thairof maid faith in Jugement that he dred bodilie harne to be done to him be James Andersoun.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem coram Johanne Harte Jacobo Wilke et Johanne Achesoun ballivis dicti burgi Necnon Curia regalitatis et baronie de Brochtoun tenta in dicto pretorio coram Johanne Logane ballivo ejusdem decimo quinto Octobris Anno I^{co} V^o lxi Curia affirmata.

Thomas Watsoun.—The quhilk day comperit Johnne Dowglas of Hatthornedaill baillie to James Erle of Mortoun and be vertew of his commissioun of ballierie producit in Jugement desirid that the said barroune baillie Thomas Watsoun in Dalkeith to be replegit to the said heid Court of regalitie atteichit and persewit be Robert Aittoune burges of the said burgh and ansuerit the said Robert and allegit in respect of his clame berand wrangus intromissioun with the horse clamit being in his possessioun apprehendit within this friedome in the regalitie foirsaid That the said barroune baillie is compitent Judge therto *ratione rei de qua agitur* and aucht not to admit the said replegeatioune bot the said Thomas Watsoun aucht to ansuer And als in respek that the said replegeatioune beris nocht the said Thomas name in speciale And als in respect of the commoune pratik the said barroune baillie continewit the interloquotour gevin heirupoune to this day viij dayis.

Alexander Robesoun.—The quhilk day comperit Alexander Robesoun and acceptit the Bill gevin aganis him be Jonete Leis in safar as it maid for him and allegit that the samin is manifest inept and ane ineptitude may be proponit in ony tyme afoir the pronouncing of the sentence be ressoun the bill contenis na relevant caus albeit it were provin as it beris In

respect that thair is na thing libellit that the said Alexander wes subject to the said Johnne Gibsoun commandement bot rather inferrand the contrar that he is commissionar him selfe And als it contenis na uthir caus quhairfor the xx fi contenit in the clame suld be gevin to Jonet Leis of dew or quhat ressoun that the said soume pertenis to hir sen he nocht is subject to obey the preceptis nor commandementis of Johnne Gibsoun thairfor as the bill is consavit albeit it wer all cleirlye provin na Jngis may gif sentence thairintill sen it is propirlye the Jugis parte to seik out the ineptitudis and gif absolvitour thairby quhowbeit the party apponit it nocht Comperit the said Jonete and desirit proeces and allegit na exceptioun suld be ressaut now be ressonne the clame is referit to probatioun and denyit be the party The foirsaidis baillies continewis the gevin of interloqutouris heirintill to this day viij dayis and baith the parteis warnit thairto *apud acta*.

Quo die Magister Johannes Balfour factus est burgen. predicti burgi per prefatum Johannem Harte ballivum pro certa summa pecunie per solven. ad voluntatem prefati ballivi et Juratus est.

William Lang.—The quhilk day the baillies decernis and ordanis Williame Lang to deliuer to Petir Dowglas ane cullourdory cloik now being in the said Williames possessioun and allegit be the said Petir to pertene to him and wranguslie tane fra him furth of Sanct Andros in September last bipast becaus he previt the said cloik to pertene to him as wes sufficientlie knawin to the saidis baillies And decernis the said Petir to pay to the said Williame incontinent xx s̄ of his awin consent in recompen-satioune of the money debursit be the said Williame Lang for the said cloik.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. vicesimo secundo die mensis Octobris Anno I^{co} V^o lx^o Curia affirmata.

Thomas Watsoun.—The quhilk day the foirsaid barroune baillie continewit the denunciacione of the interloquitour anent the repleagin of Thomas Watsoun in Dalkeith to the court of the regalitie of the samin to this day viij dayis And comperit James Williamesoun ane of the baillies of the said regalitie and disassentit fra the said continewatioun and protestit that the said Thomas comperance hurt nocht the lorde of the said regalities priuelege.

Richert Forrest.—The quhilk day Richert Forrest [allegit] that the proclamatioun of his breue rasis be him as brothir and air to umquhill Sir Williame Foirhous cheplane wer sufficientlie provin and that na partie comperit to object aganis the samin.

Inquisitio Forrest.

James Harte	Thomas Craufurde	Johne Ranne
Robert Muir	Robert Purves	Johne Kirkwode
Johne Murdoch	Williame Smeberde	Thomas Sandersoun
Johne Young	Dauid Scroghe	Johne Bernis
Johne Hunter	Andro Purves	Alexander Mathesoun

Forrest.—Qui Jurati dicunt quod quondam Dominus Willielmus Foirhous Capellanus frater Ricardi Foirhous burgen. dicti burgi latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem supreme Domine nostre Regine Et quod dictus Ricardus est legitimus

Margaret Symson.—The quhilk day the baillies foirsaidis decernit and ordanit Margaret Symson to content and pay to Williame Robeson fourtie sex s̄ viij d̄ for the maill of ane duelling hous of the said Williame land liand within this burgh occupit be hir of the terme of Witsunday last bipast.

Dauid Wilsoun.—The quhilk day the saidis baillies decernis and ordanis the spous of Dauid Wilsoun baxter to content and pay to Williame Robeson xxx s̄ within terme of law for the maill of ane duelling hous occupit be hir and hir said spous and awand be thame of the termes of Martimes and Witsunday last bipast.

Robert Dauidsoun.—The quhilk day the foirsaidis baillies assolzeit Robert Dauidsoun baxter fra the clame of Robert Johnnestoun of the sowme of viij merkis as price for ane quhite horse pertenyng to the said Robert Johnnestoun and allegit be him that he wes hurt be the said Robert Dauidsoun and his leg brokin quhairthrow the said horse deit within viij dayis thaireftir quhilk he committit be the space of ane year last bipast or thairby And that be vertew of the said Robert Dauidsoun aith maid thairupoun referrit thairto be the party.

James Spottiswode.—The quhilk day the foirsaidis baillies assolzeit Dauid Scroghe fra the clame of James Spottiswode of ane quhite wob as bocht be the said James fra the said Dauid be the space of viij dayis last bipast for the sowme of four ñ the scoir be vertew of the said Dauid aith maid thairupoun referrit thairto be the party.

William Young.—The quhilk day the foirsaidis baillies decernit and ordanit Williame Young to content and pay to Elizabet Torrens viij s̄ vj d̄ within terme of law for certane aill bocht and ressaut be Catherne

Cuthbertsoun the spous of the said Williame fra the said Elizabet Torrens be the space of vj oulkis last bipast or thairby.

Robert Johnestoun.—The quhilk day the foirsaidis baillies decernit and ordanit Robert Johnestoun to content and pay to Robert Daudsoun iij li within terme of law and that in compleit payment of viij merkis awand be the said Robert to the said Robert Daudsoun for the maill of ane duelling hous occupiit be him liand within this burgh fra Witsunday in the yeir of God I^m V^c lx yeris to Witsunday nixt and immediat thaireftir And gif neid beis ordanis Patrik Johnestoun as souertie for the said Robert Johnestoun to be poindit thairfor.

Patrik Arnot.—The quhilk day the foirsaidis baillies decernit and ordanit Patrik Arnot to content and pay to Elizabeth Aikin iij li xvij s within terme of law for meit and drink furnessit be the said Elizabeth to him within hir duelling hous within Edinburgh fra Sanct Gelis at last wes bigane ane yeir to Sanct Andro day nixt thaireftir And that be vertew of his awin confessioun maid thairupoun in Jugement.

James Daudsoun and Alexander Steill banist.—The quhilk day James Daudsoun and Alexander Steill apprehendit with ane blak cloik and becaus thai culd get na werrand thairto wer baneist of thair consent the fredome of this burgh during thair lyftymes.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. vicesimo nono die mensis Octobris Anno Domini I^{co} V^c lxi^o Curia affirmata.

Alexander Robesoun.—The quhilk day comperit Alexander Robesoun and demandit at Jonet Leis gif scho wald abyd at the persute of the bill gevin in be hir aganis him and scho ansuerit scho wald.

Thomas Watsoun.—The quhilk day comperit Alexander King procuratour for Thomas Watsoun in Dalkeith and allegit that thair wes na thing qualifeit in the clame gevin in be Robert Aittoun aganis the said Thomas bot alanerlie apprehensioun of the horse contenit in the clame tane vpoun the he gait quhilk makis the said barroun baillie na Juge thairto and thairfor the said Thomas aucht to be repleagit The said barroun baillie continewit the interloquitour upoun the said replegatioun to this day viij dayis.

William Allane.—The quhilk day the foirsaid barroun baillie assolzeis Williame Allane fra the clame of Henrie Jamesoun of four s allegit awand to him for certane tymmer bocht be the said Williame fra the said Henrie be the space of ane yeir last bipast and als of v s in likuayis allegit awand to him be the said Williame for anc hat and that be vertew of his aith maid thairupoun referrit thairto be the party.

William Murray.—The quhilk day the foirsaidis baillies decernit and ordanit Williame Murray to content and pay to James Lowrie burges of Edinburgh xx s within terme of law for two stanis of Irne bocht and ressavit be the said Williame fra the said James within the burgh of Edinburgh be the space of xx dayis last bipast and that be vertew of the said James aith maid thairupoun referrit thairto be the party.

Andro Donaldsoun.—The quhilk day the foirsaidis baillies decernit and ordanit Andro Donaldsoun to content and pay to Robert Muir xxxi s within terme of law and that in compleit payment of vj merkis viij s x d awand be him to the said Robert for the maill of ane thrid part of ane berne kill and cobill occupiit be him liand within this burgh of termes bipast and that be vertew of the said Roberts aith maid thairupoun referrit thairto be the party.

Elesone Lindesay.—The quhilk day the foirsaidis baillies decernit and ordanit Elesone Lindesay to content and pay to Cuthbert Fergusoun l s within terme of law for the maill of ane hous occupiit be the said Elesone and set to hir be the said Cuthbert and awand of the termes of Martimes and Witsunday last bipast becaus scho grantit the said sowme and allegit that the said Cuthbert tuik Johnne Moresoun dettoure thairfor quhilk being referrit be the said Alesoun to his aith deponit the contrare.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. quinto die mensis Novembris Anno I^{co} V^c lxx^j Curia affirmata.

John Gibsoun.—The quhilk day comperit Johnne Gibsoun and productit in Jugement ane writing direct to the foirsaid barroun baillie as Justice of the said regalitie subscrivit with the hand of Robert Commendatar of the Abbey of Halirudhous of the quhilk the tennour eftir followis Justice of the regalitie and baronie of Brochtoun greting fforsamekle as Johnne Young wes vnlawit befor you for the non entrie of Johnne Gibsoun as souertie for him to vnderly the law ffior the allegit mutilatioun of Johnne Smyth of his rycht tholme And als the said Gibsoun decernit to be denuncit our souerane lady rebell for his non comperance Albeit in veritie it is cleirlye knawin to us that the said Johnne Gibsoun the tyme that he wes vnlawit wes seik liand in Aittoun in the Merse in parrall of his life and mycht not travell It is our will heirfor and we charge you that ye tak new souertie of the said Johnne Gibsoun that he sall compeir at sic ane certane day as ye pleis assigne and put him to the knowlege of ane assize for the said cryme and in the mentyme that ye discharge the clerk of our said regalitie to gif na actis furth of his buikis aganis the said Johnne and his souertie in the Actioun foirsaid

As ye will ansuer to ws thairupoun Subscriuit with our hand at Edinburgh the fyft day of November the yeir of God I^m V^c lxi yeris And eftir the reding of the quhilk writing the said Justice assignit to the said Johnne Gibsoun and Johnne Smyth fryday nixt to cum to compeir befor him in the foirsaid toulbuith to underly the law aythir of thame of the crymes contenit in aythir of thair letters rasiit thairupoun And the said Johnne Gibsoun fand Dauid Scroghe and the said Johnne Smyth Robert Muir souerties for thame to compeir the said day to the effect foirsaid under the panis contenit in the last act maid thairupoun.

Thomas Watsoun.—The quhilk day the baillies Johnne Logane Johnne Harte and James Wilke replegit Thomas Watsoun in Dalkeith to Johnne Dowglas of Hathornedene baillie of the regalitie thairof anent the actioun and caus persewit be Robert Aittoun burges of the Canon-gait aganis the said Thomas for the wrangus withaldin fra him of ane blak cursour horse And Johne Oswalde is becumyn cautionar and souertie *pro justitia administranda* in the said mater the xix day of Nouember instant and the parteis present and warnit.

Curia Justiciarie regalitatis et baronie de Brochtoun tenta in pretorio burgi Vicicanonicorum coram honorabili viro Johanne Logane Justiciario dicte regalitatis septimo die mensis Novembris Anno I^{co} V^c lxi^o. Curia affirmata.

Dauid Scroghe.—The quhilk day Dauid Scroghe enterit Johnne Gibsoun in Jugement to vnderlie the law for the crymes contenit in the precepte rasiit be Johnne Smyth aganis him and thairupoun tuik instruments.

Johnne Smyth.—The quhilk day Robert Muir enterit Johnne Smyth

as he that become souertie for his entres this day to underlie the law for the crymes contenit in ane precepte rasit be Johnne Gibsoun aganis him and thairupoun tuik instrument.

John Gibsoun.—The quhilk day Johnne Gibsoun inquirit Johnne Smyth in Jugement gif he wald persew him of the crymes contenit in the precepte rasit be the said Jhone Smyth aganis the said Johnne Gibsoun Quha ansuerit he wald nocht persew him thairfoir.

John Smyth.—The quhilk day Robert Muir become souertie for the entres of Johnne Smyth on Weddinsday nixt to eum and Johnne Hannay souertie for the entres of Johnne Gibsoun that aythir of thame sall underly the law for the crymes contenit in aythir of thair preceptis rasit aganis utheris under the panis contenit in the actis maid thairupoun abefoir.

Curia burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh ꝑc. duodecimo die mensis Novembris Anno Domini I^{co} V^o lxv^o Curia affirmata.

ASSISSA.

Johnne Hannay	Andro Kintra	Johnne Young
Robert Muir	Robert Daudsoun	Williame Harrat
George Harrat	Johnne Sinclere	Robert Stevingstoun
Cutlibert Fergusson	Johnne Gibsoun	

Williame Harrat.—The quhilk day Williame Harrat younger is convict be the foirsaid assise for the strykin of Catherine Farsy the spous of

Johnne Hendersoun be the space of xiiij dayis last bipast with his fauldit neif upoun the face utherwayis nor he aucht upoun law for the quhilk cause he is adjudgit in ane amerchiament of court sic as he aucht to tyne upoun law amend to the party and to be punisit for his fault and that gevin for dome.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope
Edinburgh &c. xix^o Novembris Anno lxj^o Curia affirmata.*

ASSISA.

Patrik Johnestoun	Johnne Hannay	Robert Scheves
Patrik Sibbat	George Skathisbie	Williame Murray
David Scroghe	George Harrat	James Galbraith
Johnne Kirkwode	Williame Hendersoun	Johnne Murdo
Johnne Galloway	Walter Blair	Alexander Brog

Johnne Gibsoun.—The quhilk day Johnne Gibsoun is convict be the foirsaid Assise for the cuming upoun Johnne Smyth baxter upoun the xiiij day of Julii last bipast in the baikhous of the bak land of the said Johnne Gibsonis land within this burgh quhill he was lauborand at ane bache with ane drawin sworde and thairwith strykand and wondand bim on his tholme on the rycht hand and on his heid to the effusione of his blude in greit quantitie uthirwyis nor he aucht upoun law For the quhilk cause he is adjudgit in ane amerchiament of courte siclik as he aucht to tyne upoun law amend to the party and to be punisit for his fault and acquitis the said Johnne Gibsoun of the mutilatioun of the said Johnne Smyth of his tholme and that gevin for dome.

Johnne Smyth.—The quhilk day Johnne Smyth is convict be the foirsaid Assise for the crewall strykin of Johnne Gibsoun upoun the

xiiij day of July last bipast foiranent the baikhous of the bak land of the said Johnne Gibsoun with ane battoun wondand him thairwith in his heid and twa of his mednest fingaris of his left hand to the effusioun of his blude in greit quantite utherways nor he aucht upoun law For the quhilk caus he is adjudgit in ane amerchiament of courte siclik as he aucht to tyne upoun law amend to the party and to be punisit for his fault and is acquite of the hurting of him upoun set purpose passione and forthocht fellounie and that gevin for dome.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope
Edinburgh &c. xvij^o Novembris Anno lxj^o Curia affirmata.*

George Hannay.—The quhilk day the foirsaidis baillies sittand in Jugement in the actioun and caus persewit be Johnne Fergusson aganis George Hannay contenit in his bill gevin in thairupoun Makand mentioun that quhair viij dayis befor the feist of Yule last bipast or thairby compt and reknyng being maid betuix the said Johnne and the said George of the ferme of ane aker of land liand within the toune of Restalrig sett be the said Johnne to the said George and occupiit be him of the crope the yeir of God I^m V^c lix yeris the said George grantit him than restand awand to the said Johnne xx s̄ for the ferme of the said aker of the said crope As at mair lenth is contenit in his clame gevin in thairvpoun The rychtis ressonis and allegatiounis of baith the saidis parteis togidder with the depositiounes of certane witnesses harde and takin in the said mater The saidis baillies being advisit thairwith and baith the parteis being personalie present thair decernit decretit and ordanit the said George to content and pay to the said Johnne xx s̄ within terme of law of the said xl s̄ becaus he previt his intent sufficientlie as efferit and assolyeit him of the uther xx s̄ becaus he failyeit in probatioun thairof.

James Broun.—The quhilk day the foirsaid barroun baillie decernit and ordanit James Broun to content and pay to Johnne Arthure the sowme of xxx s̄ within terme of law for the mertimes maill of ane duelling hous in Plesance last bipast sett be the said Johnne to the said James and that be vertew of the said James confessioun maid thairupou in Jugement.

William Dawsoun.—The quhilk day the foirsaidis baillies sitt and in Jugement decernit and ordanit William Dawsoun to content and pay to Thomas Wecht xxx s̄ within ane moneth efter the dait heirof quhilk sowme the said William become cautionar and dettour for ane Inglis-man to pay the samin to the said Thomas at ane certane day bipast and that be verteu of his confessioun maid thairupou in Jugement.

Waltir Young.—The quhilk day the barroun baillie foirsaid sittand in Jugement decernit and ordanit Waltir Young in Plesance to content and pay to Robert Quintene burges of Edinburgh the sowme of forty aucht s̄ within terme of law for ane boll of ry and ane half bocht and ressavit be the said Waltir fra the said Robert Quintene within the toun of Leyth in the moneth of Junii last bipast Becaus the said clame being referrit be the said Robert to the said Waltir aith and the said Waltir warnit to gif his aith thairintill And he being warnit thairto failyeit thairintill And thairfoir the said Roberts aith wes tane thairupou quha maid faith he bocht and ressavit the said ry fra him the tyme foirsaid for the said sume above writtin.

Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgi &c. 3 Decembris Anno lxi^o. Curia affirmata.

The quhilk day James Galbraith and Robert Drummond referrit all debatable materis betuix thame in amicable wyis to the haill baillies of this

burgh and quhoweur thai decretit thairintill thai oblist thame to abide thairat.

Alisone Ramsay.—The quhilk day the foirsaidis baillies decernit and ordanit Alisone Ramsay to content and pay to Jonet Somerwell viij s̄ for service maid be hir to the said Alisone fra the feist of Mertimes in anno lx yeris to the feist of Pasche immediat thaireftir four s̄ lent siluer and iij s̄ of bountath to be payit within terme of law becaus the said sowmes being referit to the said Alisone aith be the persewar and scho warnit to gif hir aith thairintill And thairfoir the baillies tuik the said Jonet aith thairintill quha maid faith that scho wes awand hir the samin.

Thomas Dumbar.—The quhilk day the foirsaidis baillies decernit and ordanit Thomas Dumbar to content and pay to George Skaithwie the sowme of thre li xvi s̄ for certane malt coift and ressaut be Issobell Robesoun his spous fra the said George be the space of thre monethis last bipast or thairby And als to content and pay to the said George the sowme of xxxviii s̄ within terme of law for ane stane and ane half of lint wantand half pund bocht and ressaut be the said Issobell fra the said George and that be verteu of the said Thomas confessioun maid thairupoun in Jugement.

The quibilk day the foirsaidis baillies decernit and ordanit Margaret Sysmoun to content and pay to Andro Hay the sowme of vi li v s̄ at Candilmes nixt to cum and that in compleit payment of xvi li viij s̄ clamit be the said Andro upoun the said Margaret be compt and rekenyng maid betuix thame ane moneth eftir Pasche last bipast confessit be hir than awand to the said Andro for malt bocht and ressavit be hir fra him afoir the said tyme and als in compleit payment of xx s̄ for the rest of uther malt coift and ressaut be hir fra the said Andro abefoir and that

be verteu of hir awin confessioun maid thairupoun in Jugement quhair-
upoun the said Andro askit act.

Margaret Scot.—The quhilk day the foirsaidis baillies decernit and
ordanit Margaret Scot to content and pay to Catherine Broun relict of
umquhile Maister James Foules of Colingtoun four merkis usuall money
at the feist of Candilmes nixtocum for the maill of ane dwelling hous
within Edinburgh &c. &c.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis
prope Edinburgh &c. x^o Decembris Anno lxj^o.*

The quhilk day Dauid Levingstoun burges of Edinburgh renunceand
his awin jurisdiction submittand him in this caise to the jurisdiction of
this burgh become actit as cautioner and souertie for Williame Dun-
cane to content and pay to Johne Scrymgeour xx s̄ at the feist of Can-
dilmes nixt to cum.

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Decimo quarto die mensis Octobris Anno Domini I^{co} V^c lxxij^o.

COUNSALL.

James Graye	}	Bailleis	William Porteous	}	Thesaurer
Thomas Hunter			Johne Schort		
Johne Oswald	}	auld	Johne Hairt		
Johne Achiesoun			bailleis	James Hairt	
Georg Barbour	}	diaconis	Robert Muir		
Johne Hannay			Johne Hunter		
William Gordoun					

The quhilk day the persouns abone written ar chosen and electit to

be upoun the Counsall of this bruche for this present yeir quha hes acceptit the said office.

The quhilk day It is statute and ordanit be the bailleis and counsall foirsaid that in all tymes cuming the Counsall convene and assemblill ilk xiiij dayis anis viz.~ on Furisdaye att nyne houris begynnand on Furisdaye nixt to com the xxij daye of October instant and swa to continew ilk persoun that failleis under the pane of the onlaw of viij s̄ unforgevin sa oft as thaye failye.

The quhilk day the baillies and Counsall ordanis ane officer to pass and warne Thomas Crawford to compeir befor thame this day aucht dayis to ansuer to sic thingis as thaye haif to laye to his charge.

Vigesimo tertio Octobris Anno &c. lxxij.

Election of Baillies &c.—The quhilk day It wes statut and ordanit be the bailleis and counsall that in all tymes cuming this ordour be taikin anent the cheising of baillies That is to say vpon Fuirisdaye befor the heid Court of Michelmes the new Counsall to be choisin be the auld and on the Tyisdaye thairefir and immediatlie befor the heid court the auld and new Counsallis withe the diaconis to cheise the bailleis and the rest of the officiaris swa thaye be all of the Kirk of God and that the nummer of the Counsell be yeirlie xij persouns comptand the twa auld bailleis withe the new gif thaye happin to be chargit withe the diaconis.

John Schort Thesaurer.—The quhilk day the bailleis and Counsall ordanis Johne Schort Thesaurer to gif in all his comptis of the yeiris and termes bypast comptand the Mairtimes terme nixt to cum this day sax oulkis and thane to make full compt and payment.

None to be frie of the Craft till he be burges.—The quhilk daye It is statute be the bailleis and Counsall that in all tymes to cum that nane of the diaconis ressaif onye freman with thame anent thair craft afoir he be admittit burges be the baillies And quhatsumevir deacone dois in the contrare heirof fra this daye furthe salbe poyndit for that man burgeschip that sall happin to be admittit viz. four pundis sasone as knowlege beis haid be the saidis bailleis and Counsall and na ferder delaye to be haid thairof.

Thomas Crawford.—The quhilk daye Thomas Crawford being accusit be the bailleis and Counsall of the manassing and boisting of James Burrell and David Baittie The said Thomas confessit that he said to James Burrell sone being gangand withe the bell that haid it bene ane man that haid gane thairwithe he wald nocht haif bene content.

Pennultimo Octobris Anno &c. lxxij.

Bessie Tailzeфир to be brankit and set upon the Croce.—The quhilk daye Bessie Tailzeфир being accusit be the bailleis and Counsall of the sclandring of Thomas Huntar baillie sayand that he haid in his hous ane fals stoip And thane eftir tryall tane thairof be James Graye baillie and James Selkrig officer fand the samyn nocht to be of veritie And thairfoir the baillies and counsall ordanit the said Bessie to be brankit the morne and set upone the croce of this bruche thair to remane the space of ane houre.

Vigesimo Septimo Novembris Anno &c. lxxij.

The quhilk day the bailleis and Counsall consentit that thair common seill sould be appendit to Alexander Durrane Chartour maid to him be Sir George Masoun upone the alienatioun of Williame Young

cuttellar foir land lyand foirament the girthe croce quhairto thai ar patronis in taikin of thair consent And ordanis the Thesaurer to ressaif xl s thairfoir and delyverit to him the Chartour seilit.

Fals mesouris.—The quhilk daye the bailleis and Counsall haifand presentit to thame certane tin quartis pyntis and choppyngis stoupis poyndit be the bailleis as fals mesouris causit roip the samyne quhilkis wes roupit and sauld to the officiers for xvi d ilk pund troise wecht the haill extending to thre stanis viij pund wecht and in monye according to the said pryce to thre pundis xiiij s viij d and ordanit the said sowme to be delyverit to the Thesaurer.

Poyndis to be tane.—The bailleis and Counsall ordanis thair officeris to pas and appryse thre poyndis appertenand to Johne Mosman Williame Quhyt and George Skaythwie tane and poyndit be the bailleis for breking of the statuittis in selling of aill and mak payement of the saidis poyndis and caus ilk poynd paye aucht s *summa* xxiiij s And ordanis the samyne to be delyverit to the Thesaurer.

Pryce on Wyne.—The quhilk daye it is statut and ordanit be the bailleis and Counsall thatt na maner of persoun or persouns inhabiteris within this bruche tak upon hand to toip or vend wyne fra this daye furthe onye derar nor for xiiij d the pynt thaye and ilk ane of thame thatt dois in contrar to be poyndit for fiftie s of unlaw sa oft as thaye faille unforgevin In respect certane of thair poyndis wes gevin agane without onye onlaw thatt haid contravenit the said act &c.

Hucksterris and Stallangeris to produce thair wechtis and ballandis.—The quhilk daye the bailleis and Counsall ordanis thair officeris to pas and warne all huiksterris and stallangerris within this bruche to compeir befor thame this daye xv daxis and to produce all sic wechtis and bal-

landis as thaye haif and commounlie sellis with to all oure soueranis leiges to be sene and considerit that ordour may be tane thairin as effeires, &c.

The quhilk daye the bailleis ordanis the Thesaurer to bye ane full pund wecht of bras contenand all small wechtis thairintill to be put in the commoun box to remane thairin as just wechtis in tyme cuning that the inhabitantis within the bruche maye ressaif thair wechtis thairhye, &c.

Quarto Decembris Anno ꝑ.c. lxxij^o.

Compeirance of unfremen to be burgesses and Stallangearis ꝑ.c.—
The quhilk daye the bailleis and Counsall statutit and ordanit that na maner of Craftismen nor maltmen be admittit stallangearis earlier nor the feist of Witsoundaye nixt to cum nor sufferit to use onye of the saidis craftis without thai be admittit be the saidis bailleis and counsall bot that thaye betuix and the said feist mak thameselvis friemen and be admittit burgesses and paye thame burgeschip thairfoir conforme to the act and ordinance maid thairanent &c.

The quhilk daye Johnne Wilsoun maltman wes admittit to be maid burges of this bruche and to paye foure pundis on this maner xl s̄ within aucht dayis and fourtie schillingis at Witsoundaye nixt to cum and continewis his ayth to the lattir payment of the said sowme.

The quhilk daye Thomas Donaldsoun tailycour is admittit to be maid burges of this bruche and to paye four li s̄ on this maner x s̄ quarterlie quhill the samyn be payit Begynnand the first payment thairof att the feist of Beltane nixt to cum and continewis his aythl quhill the lattir terme of payment.

The quhilk daye Williame Moffet cuik admittit stallanger to paye yeirlie in tyme cuming four s̄ and to paye for this yeir iiij s̄ within aucht dayis.

The quhilk daye Thomas Curtes skynner permittit to wirk quhill Witsoundaye nixt to cum and hes payit four s̄ and ordanit to remouf att the said feist without he be admittit and maid burges.

Undecimo Decembris Anno Domini I^{co} V^o lxxvij^o.

The quhilk daye In presence of the baillieis and Counsall James Graye baillie being requirit gif evir he callit Robert Achiesoun sumtyme his prentise theif ansuerit the said James and said he nevir callit him theif nor had na thing to saye to him bot knew him for ane honest young man And baith the said James and Robert dischargit wtheris of all actioun thatt onye of thame haid to saye aganis wtheiris afor the dait heirof and speciallie of the yeiris of prenteschip quhilk the said Robert haid to rin with the said James and of all sowmes of monye that ather of thame mycht craif of wthiris for onye occasioun bipast.

The quhilk daye the Thesaurer ressavit fra Dauid Rowane vij stand of leid wechtis contenand twa pundis half pund quarter pund twa unce and half vnce and payit for ilk wecht and stand thairof fyif s̄ *Summa* xxxv s̄ quhilk wes put in the box.

The quhilk daye it wes concludit be the baillieis and Counsall to persew quhatsumevir persoun that is knawin or brutit with the breking of the tolbuith of this bruch the tyme of the furthe latting of Jonet Robert-soun being wardit within the samyn for adultrie And ordanis the Thesaurer to delyuir to Cuthbert Fergusson xl s̄ to be expensis for letters

and officeris in pursuit of the said caus and the said Cuthbert to mak compt upon his debursing.

Septimo Januarii Anno &c. lxxij.

Cautioneris for vintinouris not to sell their wyne deirer nor the statute.

—The quhilk daye Cuthbert Fergusson became souertie for Marioun Edmoustoun that scho sould sell na darrer wyne fra this daye furthe nor for fourtene d the pynt under the panis of fourtie pund &c. &c. &c.

Vicesimo nono die mensis Januarii Anno Domini I^{co} V^c lxxij.

The quhilk daye Johnne Schort Thesaurer in presence of the bailleis and counsall maid his comptis quhilkis wer hard sene and allowit and dischargis maid and gevin to him be the said bailleis and counsall and the said Johnne exonerit of his office foirsaid the restis of his comptis *de claro* put in the box conforme to the tiket within the samyne.

The quhilk daye the bailleis and counsall electit Robert Muir baxter Thesaurer for the space of ane yeir fra his entrie quhilk wes and began the daye and dait heirof.

The quhilk daye the thre keis of the commoun box wes delyuerit to the persouns following to wit ane key to Johnne Haire ane to George Barbour diacone of the Smythis and ane uther to the Thesaurer.

The quhilk daye in presence of the baillies and counsall James Galbraithe Tailzeour become actit and obleist of his awin fre motive will to vnderly the law for the allegit breking of the tolbuith of this bruche committit and done be him and certane wtheris his complices vpon the

daye of last bipast within nycht and thatt upone the xv dayis warnyng to the thrid daye of the air And Johnne Oswald become souertie for the said James under the paines of xl lib And the said James obleist him to releif his said souertie anent the premissis.

Quarto Martii Anno I^{co} V^c lxxij^o.

The quhilk daye compeirit Williame Lawsoun and grantit that he haid contravenit the actis and ordinances maid be the bailleis and counsall anent the selling of xiiij ð wyne and thairfoir become in will of the bailleis.

The quhilk daye compeirit Johnne Sprewll Margaret Christesoun Mawse Purves Henrie Kinloche Bessie Walkar the spous of Williame Dawsoun Issobell Kincaid and Marioun Forman the spous of Joseph Aikinheid and grantit and confest thatt thaye and ilk ane of thame haid contrauenit the saidis actis and ordinances maid be the bailleis and counsall anent the selling of the said xiiij ð wyne And than thai and ilk ane of thame become in will thairfoir.

ASSISA.

Williame Hendersoun	Robert Meldrum	Andro Gavillok
James Cleuch	Robert Aittoun	Thomas Harrat
Williame Broun	Mungo Reid	Johnne Kirkwod
Waltir Blair	Robert Skaithwie	
Gilbert Blak	George Harrat	

The quhilk daye Williame Gordoun Johnne Castellaw Mariory Edmonstoun and Marioun Thomesoun the spous of James Savoye wes acquit be the foirsaid assyise of the contravenyng and breking of the saidis actis and ordinances maid anent the selling of wyne be the saidis bailleis and counsall.

Duodecimo Martii Anno I^{co} V^o lxxij^o.

The quhilk daye the bailleis and counsall decernis Issobell Kincaid Williame Lawsoun and Josephe Aikinheid to haif tint thair fredomes for breking of the statuittis of thair burghie anent the selling of wyne Thairfoir ordanis thair officeris to pas and poynd the said Issobell Kincaid and Williame Lawsoun ilk ane of thame respectiue for the sowme of x pundis of unlaw and the said Josephe for fyif pundis And ordanis the saidis officeris to pas and mak intimatioun to the saidis persouns that thaye nor nane of thame sell ony wyne or vent the samyn fra this daye furth under the panis of confiscatioun of tha wynis Quhilkis thaye or ony of thame salhappin to vent and deling of the samyn to the puir And inlikmaner that na inhabitar within this bruche ventaris of wyne bye sell or vent fra this daye furthe unto the tyme thatt thaye adverteise the bailleis and counsall thairof.

The quhilk daye It is statut and ordanit be the bailleis and counsall thatt nane of the counsall in ony tyme heirefter salbe ressaut or admittit cationaris and souerteis for ony ventaris or sellaris of [wyne] for observing and keiping of the statuittis and ordinances of the said bruche maid thairanent or to be maid.

Burges.—Quo die Joannes Cruche lanio factus est burgen. dicti burgi ad persolvendum summam quatuor librarum ad festum Pasche et Juratus Willelmus Peirsoun cautionarius.

xxij Aprilis Anno lxxij^o.

The quhilk daye in presence of the bailleis and counsall compeirit Johnne Sprott officiar and maid faith that vpon the vij daye of Apryll

he beynge poyndand Thomas Crawford and Donald Morisoun guidis for the sowme of ten markis conforme to ane decreit of the saidis bailleis awand to Williame Logane The saidis persouns forceable tuik the saidis guidis fra the said officiar and deforcit him in executioun of his office.

The quhilk daye Robert Crawford sone and appeirand air to Thomas Crawford become souertie for the said Thomas Crawford his father and Donald Morisoun befor the bailleis to underlye the law quhat tyme or how sone the saidis bailleis pleissis to requyr for the entresse of the saidis Thomas and Donald for the deforcement of the officiar in maner foirsaid under the panis of fourtie pundis ilk persoun.

Decimo Octavo Junii Anno I^{co} V^o lrvij^o.

The quhilk daye in presens of James Graye baillie Thomas Smyth being wardit within the tolbuith of this bruche for deforceing of Johnne Sprot officiar and was detenit in ward thairfoir at the bailleis and counsall pleisour and command For the quhilk offence the said Thomas become oblist and actit of his awin consent gif evir he beis fundin culpabil of siclyk offences in tymes cuming that he sall tyne his fredome and burgeschip And als become in the bailleis and counsall will in punisching of his bodie at this present for the said offence Quhairfoir the said baillie with consent of the haill counsall remittit and fred the said Thomas to libertie.

Quarto Augusti Anno I^{co} V^o lxxvij^o.

Ancient repairing the watter yett.—The quhilk daye the bailleis and counsall ordanis thair Thesaurar to caus amend sufficientlie the pairt of the watter yett and to caus mak ane sufficient lok and key thairto withe

ane keye and lok to the port and yet passand in and to the abbaye kirk and also to caus big wpe the fate of Raa cloce and the rowme passand to the Justice Clerk croftis besyid the cunyeuous for this present &c.

John Aslowan.—The quhilk daye the bailleis and counsall being awysit with the requiest of Johnne Aslowane burges of Edinburgh gevin in afoir thame anent the biging of his foir land sumtyme pertenand to Olifeir Smyth liand within this bruche on the north syid thairof consentis that the said Johnne Aslowane big and upput his said land within the boundis of his auld foundatioun of the samyn but prejudice of onye libertie or fredome concernyng the said bruche &c.

Decimo Octavo die mensis Septembris Anno I^{co} V^o Lxviij^o.

The quhilk daye the bailleis and counsall be modificatioun of the former Act maid anent the twa poyndis of Williame Carmichaell and Williame Lawsoun tane and poyndit for breking of the actis and ordinance maid anent the selling of wynis Ordanis thair officiaris to pas and poynd the cautionaris for the foirnemmit persouns ilk ane of thame for the sowme of xl s̄ and mak payment thairof this day viij dayis to the Thesaurer.

Selling wyne.—The quhilk daye It is statuit and ordanit be the bailleis and counsall that na maner of Inhabiter within this bruche ventaris or topparis of wyne tak upon hand to sell onye derar wyne fra this day furth nor xvi d̄ the pynt under the panis of xvij s̄ of unlaw sa oft as thaye or onye of thame failye unforgevin And gif onye of the saidis inhabitantis be fundin contravening the said act and ordinance thryise the contravenar thairof sall tyne his fredome and sall on na wayis be suffirrit to vent wyne fra that tyme furthe unto the tyme he be of new admittit be the saidis bailleis and counsall under the panis

of escheatung of the saidis wynis that sall happin to be ventit be thame in the meane tyme.

Duodecimo Octobris Anno I^{co} V^c lxxvij^o.

COUNSALL.

Thomas Huntar	}	Bailleis	Johnne Hairt
James Hairt			Johnne Achiesoun
Johnne Schort	}	Diaconis	Johnne Huntar
George Barbour			Robert Purves
Johnne Smythe	}		Andro Mansioun
Johnne Blak		Johnne Watsoun	
Williame Porteous		Williame Broun.	

The quhilk daye the personis abone writtin ar chosin and electit to be vpone the counsall of this bruche for this present yeir quha hes acceptit the said office and sworn to exerce the samyn lielielie and trewlie &c.

The quhilk day Thomas Huntar Johnne Schorte and James Hairt ar chosin and electit bailleis for this present yeir to exerce the office of baillierie quha hes ressaut and acceptit the samyn and hes maid faithe to exerce the samyn trewlie.

Vicesimo Octobris Anno I^{co} V^c lxxvij^o.

The quhilk daye the bailleis and counsell exonerit and dischargit Robert Maister Thesaurer of all intromissioun of thair commoun guid intromettit withe be him fra the ferd day of Januer anno lxxvij yeiris to the day and dait heirof be reasoun thaye haif hard sene and allowit his comptis of his intromissioun with the said commoun good during the space foirsaid and ordanit him to be exonerit of the exercing of the said office.

The quhilk daye the bailleis and counsall electit and cheisit Johnne Hunter Thesaurer for this present yeir quha hes acceptit the said office upone him and maid faithe to exerce the said office leliele and trewlie during the said space.

The quhilk daye George Skaythwie and Williame Broun ar chosin collectouris for this present yeir of the annuall renttis pertenant to the commountie of this bruche liand within the samyn quha hes acceptit the office and hes maid faith to exerce the samyn leliele and trewlie during the said space.

Visatouris of the housis and persouns quha ar seik and quha ar haill.

—The quhilk daye the bailleis and counsall ordanit the persouns vnderwrittn visatouris of the houssis and persouns dwelland within the quarteris following euerye daye to visie quha is seik and quha is haill diligently everie mornyng To wit James Hairt baillie George Barbour Robert Maister and Johnne Watsoun for the first quarter begynnand att Leyth wynd fute and passand to Johnne Patirsoun hous The secund quarter fra Johnne Patirsoun to Cuthbert Fergusson The visatouris thairof Johnne Schort baillie Johnne Hunter James Graye and Robert Purves The thrid quarter fra Cuthbert Fergusson passand to Sanct Johnnes croce on baith the sydis of the gait The visitouris thairof Thomas Hunter baillie Johnne Aichiesoun Williame Broun and George Skaythwie.

Quarto Nouembris Anno I^{co} V^c lxxvij^o.

Extentaris for sustentatioun of the Puir on the hillis.—The quhilk daye the bailleis and counsall hes chosin thir persouns vnderwrittn extentaris of the haill inhabitantis within this burche for sustentatioun of the puir on the hillis within the samyn viz. Johnne Hairt Johnne

Oswald James Wilkie Williame Quhyte Alexander Martene Johnne Achiesoun Robert Maister George Barbour and Johnne Huntar And ordanis the saidis persouns to convene the first of this instant monethe at ix houris or thairbye in Johnne Achiesoun foir laud to begin upone the said extent Quhilkis persouns acceptit the said office upone thame.

Ancient clenging of those suspectit of the Pest put furth on the Hill.—The quhilck daye It is statuit and ordanit be the baillies and counsall thatt na maner of baxter nor na wthir traffikar being suspectit of the pest put furthe on the Hill and cleingit and thaireftir brocht in within this burche use na change traffik nor outred in na maner of waye for the space of fourtie dayis efter thair incuming of the Hill And als thatt [na] inhabitar within the samyn maltman baxter broustar flescheour or onye wther traffiker or craftisman quhatsumevir haifand onye vevouris to sell hant frequent or use thame selvis with onye persoun or persouns suspect of the seiknes nor that nane of thame ressaif onye siluer fra siklyik persouns bot thatt thaye ressaif it in an veschel and skaid the samyn thatt it may be purifeit fra all contagiousnes Certefeing the saidis persouns that gif onye of thame sal happin to do the contrare and thairbye to be infectit or onye wther nychtbour in thair default in maner foirsaid thaye incontinent thaireftir sall suffir the painis of deithe for the samyn without fether proces of judiciaill law.

Decimo Octavo die mensis Novembris Anno I^{co} V^o lxxvij^o.

Ancient baking of breid and selling of aill and wyne.—The quhilck daye It is statuit and ordanit be the bailleis and counsall of this bruche thatt na inhabitar within the samyn baik onye breid fra this daye furthe but thatt the four pennye laif be weill bakin and dryit guid and sufficient stuf and keip the mesour and pais of xxij unceis and that all wther breid

to be baikin be thame les and mair keip the pais conforme thairto And that na browstarris nor drye tapstarris sell onye deirar aill nor vi d the pynt under the panis of xvij s̄ for the first falt the secund confiscatioun of breid and aill thatt salbe apprehendit the thrid and last falt spyaning frome the occupatioun for evir And sicklyik that na inhabitaris within this burche ventaris of wyne bye na new wyne deirar nor thatt thaye maye sell the samyn commounlie to all our soueranis leigis for xvj d the pynt under the pane of the unlaw of v ti to be up takin of thame quha dois in the contrare sa oft as thaye faillie but favour And thatt thaye sell na deirar new wyne fra this tyme furthe bot for xvj d the pynt vnder the pane of fyif pundis.

Secundo Decembris Anno Domini I^{co} V^c lrvij^o.

Contribution for the pair on the Hill.—The quhilk daye the baillies and counsall eftir heiring and allowing of James Graye Comptis of his intromissioun of onye contributioun gevin to the pair sustentatioun on the Hill ressavit be him fra the handis of James Hairt baillie or onye wtheris within the monethis of October and November respective Dischargit and exonerit the said James Graye thairof in respect of his debursing and comptis maid thairupone hard sene and allowit.

Rolping of the wyne custom to George Barbour &c.—The quhilk day the bailleis and counsall eftir the rolping of thair wyne say for this present yeir with ane consent and assent hes sett the samyn to George Barbour and George Skaithwie for the space of ane yeir fra thair entrie quhilk entrie wes and began at the first incuming of the first schip that come hame this yeir with new wyne and swa to contineu quhill the hame cuming of the first schip with new wyne the nixt yeir payand thairfor sax merkis sax s̄ vijj d̄ monye at the ische of the said yeir and for suir pay-

ment to be maid att the said terme Johnne Hunter Thesaurer is becumin cautioner and souertie thairfoir And the saidis George and George obleist thame and thair airis to freithe and relief the said Johnne Hunter anent the said souertie and payment for the said sowme.

Sexto Decembris Anno I^{co} V^c lxxvij^o.

The Port and yett passand to the Abbay kirk to be mendit.—The quhilk daye the bailleis and counsall ordanit Johnne Hunter Thesaurer to caus amend the port and yett passand into the abbaye kirk sufficientlie in tymmer work and Irne work and to caus hing ane lok thairupone and als to caus big vpe the fuit of Ra cloce and to cast ane stank att the slope yatt cumis fra the Justice Clark land to the abbaye on the south syid of this bruche &c.

Vicesimo die mensis Januarii Anno lxxvij^o.

That George Harrat associat himself to the religioun of Crystis Kirk.—The quhilk daye in presence of the bailleis and counsall William Harrat younger baxter become actit of his awin fre motive will as cautionar and souertie for George Harrat that the said George sall remoif and devoyid him self furth of this burche and fredome thairof within the space of the xv dayis nixt and immediatlie following the daye and dait heirof and nocht to be fundin thairintill incais the said George associat nocht himself to the religioun of Crystis kirk and satisfie the kirk in making of repentance as effeiris within the said space under the panis of xl li And the said George oblist him to releif the said Williame his said souertie anent the payment of the said sowme at the handis of the saidis bailleis and counsall &c.

That no inhabiter luge ony stranger in thair houssis &c.—The quhilk daye it is statuit and ordanit be the bailleis and counsall thatt na Inhabiter within this burche tak upon hand to luge ony stranger in thair houssis bot that thaye incontinent efter the said stranger be ressaut to luge in thair saidis houssis cum and schaw the samyn to the baillies of this burche swa thatt the persouns names be knawin be thame under the panis of deid.

That no persone drink in tavennaris or housis upoun Sunday the tyme of preiching.—The quhilk daye it is statuit and ordanit be the bailleis and counsall that na maner of persoun inhabitar within this burcht ventaris of wyne brostarris or topstarris of aill nor wthers quhatsumevir thoill or permit ony maner of persone or personis to drink keip cumpanye at table in commoun tavennarris or houssis upone Sondaye the tyme of preiching fra this daye furthe under the panis of fourtie s̄ to be uptane of the man and wyif quha aucht the saidis tavennaris and houssis sa oft as thaye faillic but favouris.

Tertio Februarii Anno ⁶⁰ lxxvij.

Stent for the Puir.—The quhilk daye the bailleis and counsall ordanis the quarter maisterris of the ressait of the stent gadderit to the puir to produce and gif in thair comptis befor thame this daye fyftene dayis.

Expensis for the Communioun.—The quhilk daye the bailleis and counsall ordanis Thomas Huntar baillie to deburse and mak expensis upone all necessaris concerning the communioun for this present quarter.

Decimo Septimo Februarii I^{co} V^c Lxviiij.

Auent persones haifand annuellis to produce thair rychtis and tytillis.
 —The quhill daye the Bailleis and Counsall ordanis thair officiaris to pas and warne all and sindrie personis quhatsumevir haifand onye annuellis within this burche doitit to onye altarages or chaiplandis That thaye and ilk ane of thame to compear befor the saidis baillies on Set-tirdaye nixt to cum within the tolbuith of the said burche in the hour of eaus bringing with thame thair fundatiouns rentallis infeftmentis and wtheris letteris and wryttingis quhatsumevir quhairbye thaye or onye of thayme acclames the saidis annuellis furthe of quhatsumevir landis within this burche as thair rychtis and tytillis of the samyn To be sene and considirrit be the saidis bailleis and counsall With certificatioun to thame and everie ane of thame gif thaye faillie that command wilbe gevin to thair saidis officiaris to stave the annuellis awand to thame in the persones handis quha is addetit for the samyn aye and quhill thair saidis rychtis and titlis be product in maner foirsaid.

The sellaris of the Ladie land foundit to our Lady altar to bring thair Charteris &c.—The quhill daye the bailleis and counsall ordanis thair officiaris to pas and warne the sellaris of all and sindrie the landis sumtyme pertenand to vmquhill Maister Thomas Haye now callit the Ladie land foundit to oure Ladye altar sumtyme situat within the abbaye kirk of Halierudehous within the perroche Ile thereof to compear befor thame the thrid day of Merehe nixt to cum Bringing with them thair few charteris and infeftmentis of the saidis landis to be sene and considirrit be the saidis bailleis and counsall as efferis.

The quhill daye in presence of the bailleis and counsall Compeirit Robert Daudisoun baxter and obleist him and his airis to reforme and

cast downe his penteis now bigand and foundit be him lyand contigue to his foir land within this burche sa sone and quhat tyme it sall please the saidis bailleis and counsall to reforme the haill penteissis within the said burche and that upoun the said Robert and his airis awin expensis.

Vicesimo Septimo Aprilis Anno I^{co} V^o lxi^o.

The quhilk daye in presence of the Bailleis and Counsall I Williame Broun cautionar and souertie for Johnne Brand minister and Johnne Huntar cautionar and souertie for James Logane become actit of thair awin consentis to content and paye to the saidis bailleis and counsall the sowme of fourtie pundis viz ilk ane of the saidis cautionaris the sowme of twentie pundis att the feist of Pasche nixt and thatt for the haill annuell rentis quhatsumevir now vacand within this burche and fredome thairof or within the toun of Leyth or onye wther place thatt maye be cravit be the infestment grantit be the Souerane Lord mother to the saidis bailleis counsall and thair commountie or onye wtherwayis that salhappin to vaik throw deceis of ony persoun or persones in onye tyme betuix the dait heirof and the feist of Witsoundaye in the yeir of I^m V^o threscoir ten yeiris Quhilk haill annuellis in maner foirsaid the saidis bailleis and counsall hes sett the samyn to the saidis Johnne Brand and James Logane for the termes of Witsoundaye and Mertimes in the yeir of God I^m V^o threscoir nyne yeiris And siclyk hes sett and assignit to the saidis persones the haill yeiris and termes bypast restand of the saidis annuellis quhatsumevir unpayit Thaye payand the foirsaid fourtie pundis as said is And als releifand Johnne Hairt and Johnne Achiesoun of onye det or souertie quhilk thaye sould paye to Sir Adame Syme during the said space allanirlie And the saidis Johnne and James obleist thame to releiff thair saidis souerteis anent the payment of the foirsaid sowme &c. &c.

Quarto die Junii I^{co} V^o lxi^o.

John Sprot officiar to ask forgiveness of the baillie.—The quhilk daye the bailleis eftir the accusing of Johnne Sprot officiar for injuring of James Hairt baillie done be him vpone the xxvij daye of Maye last bypast on the Craigis haifand consideratioun thair of Ordanis the said Johnne to ask the said baillie forgiveness and the said Johnne obleist him in caise evir he be fundin injuring onye baillie or majestratt within this burche in word or deid in onye tyme heireftir to tyne his office of serjeandrie and nevir to bruk office eftir he be convict in maner foirsaid.

Statute anent the Officiaris of the Burgh.—The quhilk day it is statute and ordanit be the Bailleis and Counsall of this burche to avoyd ewill and perverst ordour usit amangis the officiaris of the samyn in tymes past Thatt everie officiar haif and bein vpoun the breist of his coitt or dowblat the armes contenit in the commoun seill of this burche imprentit in silver quhairbye thaye may be knawin be our Souerane leigis and wtheris quhatsumevir strangeris as officiaris of bruche.

Officiaris.—The quhilk daye It is statut and ordanit that everie ane of the saidis officiaris beir about with thame everie daye ane sword exceptand only the Soundaye and upone everie court daye to be hauldin within the bruche ane halbart on thair schouldirris quhill the bailleis ryise fra the court And the saidis officiaris to be present everie court daye in the tolbuith with the dempstar at ix houris afor the incuming of the bailleis.

The quhilk daye it is statut and ordanit that nane of the saidis officiaris haid thair heidis covirrit in fensit court bot that thaye stand att the bar bairheiddit sa lang as the Court hauldis without onye speiking bot quhen thaye ar demandit be the bailleis.

The quhilk daye It is statuit and ordanit thatt the saidis officiaris eftir thai ressaif the actis or decreittis of onye persoun or persouns that thai and ilk ane of thame put the samyn to deu executioun conforme to the tennour thairof at the ische of the terme contenit thairintill or at the ferdest within viij dayis thairefter Or ellis that thaye cum to the bailleis and declair thatt thair is na guidis poyndable or wtherwayis thatt thaye haif gottin ane deforcement and failyeing heirof the saidis officiaris to be wardit aye and quhill the fulfilling of the saidis decreittis of the radiest of thair awin guidis and geir or wtherwayis thatt the pairtie defendar satisfie the samyn to the persewar And in lykwyise thatt the saidis officiaris use thre dyettis of apprysingis without onye delaye to be haid thairintill To wit everie Monoundaye Frydaye and Monundaye nixt thaireftir conuictioun be thre speciall dyettis of apprysing and thatt thaye mak offer to the pairtie of the guidis to be apprysit sason as thaye obtene thame without onye fraude or delaye And gif thaye refuse to ressaif the guidis as thaye salhappin to be apprysit That the saidis officiaris produce thair apprysing in wryte this Court and law daye immediatlie thaireftir to be buikit vnder the panis foirsaidis &c.

The quhilk daye the statutes and ordinances foirsaidis being red and schawin to the saidis officiaris in presence of the saidis Bailleis and Counsall, acceptit the samyn and promittit faithfullie to fulfill and observe the samyn in all poyntis under the panis foirsaidis For the quhilkis caussis and observeing of the premissis the saidis bailleis and Counsall assignis yeirlie to everie ane of the saidis officiaris of fie the sowme of iij li to be payit to everie ane of thame yeirlie att the making of the Thesaurer Comptis.

Nono Junii Anno Domini I^{co} V^o lxi^o.

The quhilk daye the Bailleis and Counsall eftir thryise rolping of

southemest of the twa bak chalmouris of the westir tenement of the Lady land now occupyit be Margaret Wod relict of vñquhill Alexander Moriesoun burges of Edinburgh all in ane voce consentit to the setting of the samyn in few to the said Margaret in lyifrent and to Patrick Moriesoun hir sone heritable &c. for payment yeirlie of four merkis and fourtie d of few maill att the intres of airis And expyring of the few in caise of failyeing of few maill swa that twa termes into thre.

The quhilk daye the Bailleis and Counsall eftir thryise rolping of the northmest chalmour of the twa bak chalmerris of the said westir tenement occupyit be Thomas Hendirsoun and Bowie his spous and Margaret Graye douchtir to the said all in ane voce consentit to the setting of the samyn in few to the said Margaret hir airis and assignayis for payment yeirlie of four markis and xl d of few with provisiouns foirsaidis specifeit the former Act.

The quhilk daye the Bailleis and Counsall consentit in like maner all in ane voce to the setting of ane peice waist in few lyand foranent the hous and chalmer sett to the said Margaret Wode in few to Thomas Crawford occupyar thairof eftir the samyn wes rolpit for xiiij s̄ iiij d of few maill yeirlie and na Compositioun in respect of augmentatioun the samyn payand of auld fyif s̄ onlie.

The quhilk daye the Bailleis and Counsall with awyse and consent of the Minister Johnne Brand for himself and in name and behalf of the diaconis and eldarris thairof ratiefeis appreis and confermes the Charter of fewferme in all pointis and contentis thairof maid and grantit to Thomas Huntar ane of the Bailleis of the said burche and Forman his spous thair airis and assignayis be Robert sumtyme Commendatar of Halierudehouse and Convent thairof of all and hail certane waist houssis and landis callit of auld the Brewhous with ane croft of land lyand contigue

thairto now occupyit be Andro Chalmer burges of Edinburgh liand on the south syid of the Abbay of Halierudhous And ordanis ane Chartour of Confirmatioun to be maid therupone in dew and competent forme with all claussis neidfull.

xxij^o die mensis Septembris.

The COUNSALL for this present yeir.

Thomas Hunter	Robert Wethirspune	} Diaconis.
Johnne Schort	Johnne Kirkwood	
James Hairt	Andro Purves	
Johnne Hairt	Johnne Hunter	
Johnne Oswald	Johnne Achiesoun	
James Wilkie	Robert Muir	
Johnne Smyth		

Quarto Octobris.

The quhilk daye Thomas Hunter Johnne Schort and Johnne Oswald ar chosin and vottit bailleis for this present yeir and the saidis Thomas and Johnne Schorte acceptit the said office vpone thame and eftir the fencement of Court maid faithe to exerce the said office of baillierie lelelie and trewlie the halie evangillis during the space of ane yeir heireftir And continewit the said Johnne Oswald aythe to the nixt Court daye.

The quhilk daye eftir the productioun of Johnne Hunter comptis Thesaurer in presence of the saidis bailleis and Counsall the samyn was hard sene and allowit be thame and exonerit the said Johne as Thesaurer of all his intronmissioun with the commoun guid for the space of ane yeir bypast preceeding the dait heirof exceptand onlie the sowme of xx pundis lent to the Minister at command of the saidis bailleis and

Counsall of quhome the said Johnne Hunter hes ressavit the said Johnne Brand Obligatioun for payment agane thairof at Mertimes be resoun the said Johnne Hunter is continewit in the said office of Thesaurarie for the space of ane yeir.

The quhilk daye Waltir Stevingstoun baxter become actit of his awin fre motive will to content and paye to Johnne Hunter Thesaurer the sowme of nyne merkis monye yeirlie for the westmest heich hous and twa laiche houssis of the tolbuthe and sett to him be the bailleis and Counsall for the space of ane yeir nixt following the feist of Mertimes nixt to cum And ordanis the said Waltir to paye of byrunmaillis iij li quhilk is assignit to the officiaris in pairt of payment of thair feis.

Patrick Monypeny to produce his feu charter of the Commoun muir.—The quhilk daye the bailleis and Counsall ordanis ane precept to be direct to summond Patrick Monypennie of Pilrig to produce befor thame his few Chartour of the Commoun Muir to be sene and considerit be thame.

Quinto Octobris.

Actis to be set furth and publishit within this burch.—The quhilk day in presence of my Lord Commendater of Halierudehous his barroun baillie bailleis and Counsall the statutis and actis underwritin being presentit all in ane voce deernit and ordanit thame to be set furthe and publishit within this burche to be obseruit and keipit be the inhabitantis thairof in tyme cuming under the panis contenit thairintill particularlie as followis.

xxvij Januarii.

The quhilk daye it is statut and ordanit be the bailleis and Counsall

that in all tymes cuming the Clerk or his seruand be present everie Tyisdaye in the tolbuith eftir the prayeris with all processis depositions of witnessis and productions of witnessis to be advisit and examinitt be the bailleis.

Quarto Maij Anno I^{co} V^c lxx.

The quhilk daye the Bailleis and counsall hes sett thair wyne say for this present yeir quhill the nixt vantage for sax markis monye to thair officiaris and the saidis bailleis and counsall assignis to thame the said sowme in payment of thair fie &c.

Decimo Sexto Novembris.

Few charter of the commoun muir producit.—The quhilk daye compeirit Patrik Monypenny of Pilrig and producit ane few charter of the commoun muir maid be Olyfeir Broun Johnne Cairnis and Williame Muir bailleis for the tyme to vmquhill Robert Monypenny of Pilrig and Margaret Crawford his spous and thair airis &c. Reseruand to the saidis bailleis and commountie the lone of the said muir as it thane laye betuix the dyikis extending to twa aikeris and ane halff hauldin of the bailleis counsall and thair successouris Payand viij li att Witsoundaye and Mertimes and failyeing of payment fourtie dayis eftir ilk terme the few to expyre As the samyn of the dait under the commoun seillis of the said burche abbaye the xij daye of October anno I^m V^c *viceesimo primo* proporttis.

Decimo Sexto Octobris Anno I^{co} V^c lxxij^o.

The quhilk daye the counsall consentis and hes ordanit thatt the bailleis have for this present yeir for thair labouris and travell in thair

offices everie ane of thame ane burgeschip with the hail unlawis to be partit amangis thame And gif thair be nocht samony burgeschippis as everie baillie ane and samony as salbe gottin and maid within the yeir nocht exceiding thair nummer to be delt equallie amangis thame Provyding alwayis the saidis bailleis be diligent in the inbringing of the rest of the saidis burgeschippis to the commoun guid and put to execution and pwneis for the unlawis vpon transgressouris of the statutes within the burch.

Alexander Thomson Reidar.—The quhilk daye the Bailleis and Counsall assignis to Alexander Thomsoun Redar the sowme of vi li of the superplus of the compositioun of the annuellis and ordanis the collectouris to mak him payment thair of quhilk salbe allowit to thame in thair comptis.

The Corce to be upput and biggit.—The quhilk daye the bailleis and counsall ordanis Johnne Hart Thesaurer to vpput and big sufficientlie the corce and quhatt expenssis he makis thairupoun salbe allowit to him in his comptis.

Decimo Octavo Decembris.

The quhilk daye in presence of the bailleis and counsall compeirit Johnne Brand Minister haifand the gift pertenant to him of the annuellis quhilkis pertentit to our Ladie Altar sumtyme situat within the perroche kirk of Halirudhous be dispositioun and rycht maid to him of the samyn of befoir of his awin frie motive will renuncit transferrit and ourgave lyik as he be the tennour heirof renuncis quiteclames transferris and ourgevis his said gift and tytyle of the saidis annuellis sumtyme pertenant to the said altar with all rycht clame &c. In favouris of the saidis bailleis counsall and communitie of the said burch to remane with thame

and thair successouris perpetuallie in all tymes cumyng and thatt for the sowme of xl s̄ monye to be payit yeirlye att Witsoundaye and Mertimes be the saidis bailleis counsall and communitie to the said Johnne Brand salang as he remanis Minister att thair said parroche kirk.

Vigesimo Martii.

The quhilk daye in presence of the bailleis and counsall Comperit Dauid Scroghe and of his awin consent become actit and obleist as cautionar and souertie for Johnne Mosman sone to Johnne Mosman burges of this burch that the said Johnne youngar sall att quhatt tyme or how sone he be chargit compeir befor the kirk and assemble of this burch and obey and fulfill sic Injunctionis and ordainences of puneishment thatt salbe laid to his charge for fornicatioun committit be him and also thatt he sall fulfill and obeye the satisfioun and punishment thatt salbe commandit him to do to James Selkirk and Johnne Sprott thair officiaris for injuring and doing thame wrangis in executioun of thair offices and that att the sicht and delyuerance of the saidis bailleis and counsall And siclyk that the said Johnne sall in na tyme heireftir truble molest nor injure the saidis officiaris be word nor deid under the painis of ane hundreth pundis monye to be payit be the said Dauid as cautionar foirsaid incaise the said Johnne failye in fulfilling and observing in onye parte of the premissis as the saidis bailleis and counsall sall think expedient and the said Johnne Mosman eldar become souertie to releif the said Dauid anent the caution.

Decimo Sexto Octobris Anno I^{co} V^o lxxiiij^o.

Non to receue wfreemen to work in thair houssis.—The quhilk daye the Bailleis and Counsall ordanis and statuittis thatt in all tymes that

na maner of craftisman or trafficquer of onye tred or occupatioun within this burch att his awin hand without licence grantit be the saidis bailleis and counsall of befor nocht being burges thatt thai persouns sall haif na delaye of tyme for payment of thair burgeschip And quhatsumevir burges or inhabitant within this burgh that ressauis onye sic persoun or permittis him to use onye tred or trafficque within thame in thair places or rowmes thatt thaye sall paye for the first falt xl s̄ iiij ð the second the thrid falt tinsell of thair fredome.

Octavo Aprilis I^o V^c lxxiiij.

That ane new stope be bocht.—The quhilk daye the saidis baillies and counsall ordanis that George Skaythwie pas to Johnne Weir pulderar and bye fra him ane new stope according to the mesour of the last proclamatoun in Edinburgh quhilk salbe allowit to him in his comptis.

Vicesimo Septimo Maii.

That all pendis biggit within this burgh be lyk utheris &c.—The quhilk daye the hail bailleis and counsall being convenit hes concludit be voitt thatt all pendis biggit or to be biggit within this uerh be all lyk wthirris in payment of thair dewtie and estemit in all tymes cuming to be wtheris brethir nochtwithstanding the quantitie and bowndis of rowmes And also statuittis thatt in all tymes cuming everie pend biggit or to be biggit sall pay of yeirlic mail and taxatioun to the commoun guid ij ð iiij d Begynnand the first payment heirof att the feist of Witsoundaye nixt to cum and swa furth yeirlic and termelic in all tymes cuming quhill the tyme thatt other ordour be tane anent thair dimolisching and downe casting or uther reformatioun be our Sovereane

Lord or his grace Regent And as towart sic persouns quha hes thair pendis already biggit and refusiss to paye the said yeirlye dewtie ordanis ane officiar to pas and warne the saidis persounns to tak downe thair saidis pendis within xl dayis thaireftir vpon thair awn expenssis With certificatioun and thair failye the saidis bailleis and counsall will caus tak downe the samyn upon the parties expenssis And that na pendit be biggit heireftir be na maner of persoun without the samyn be first sene and considderit be the saidis bailleis and counsall and thair licience grantit thairto under the pane of ane unlaw and dimolisching of the samyn.

Decimo Junii.

Anent the receiving of Deacons upoun Counsall.—The quhilk daye the bailleis and counsall hes fundin Williame Qubite being electit and chosin diacone of the cordonaris be his brethir for this present yeir sufficient and qualifeit worthie thair of and consentit to be ressavit in the nummer of the counsalle in place of umquhill Andro Purves quha is sworne and ressavit for this present yeir to remaine thairon quhill the nixt electioun and presentatioun of ane wther in his office.

The quhilk daye the bailleis and Counsall all in ane voce be voitt hes ordanit and statute that this ordour be taikin in all tymes cuming anent the ressavng of Diacones upon counsall that incaise qubatsumevir diacone of the craftis be electit and being presentit to the Counsalle nocht being fundin be thame qualifeit and able thairfor it salbe leissum to the saidis bailleis and Counsall to refuse that persoun and ane wther to be chosin and presentit to the brethir of thatt craft to be put in his place nochtwithstanding he be nocht diacone being fund sufficient and qualifeit for the samyn.

Vicesimo quarto Junii.

COMPARENTES.

Bailleis	{	Johnne Achisoun	James Eistoun
		James Wilkie	Williame Murraye
		Johnne Harte	Andro Borthuik
		James Harte	Johnne Makcoule
		George Skaythwie	Williame Qubyte

The hail fleschouris commandit to be wardit.—The quhilk daye the bailleis and Counsale all in ane voce ordanit the hail fleschouris to be commandit in warde quhill thai pay the Mertimes and Witsoundaye maillis And also ordanis Williame Persoun to remane in warde for his offence in euming and denying of thair actis of Counsale quhair he was actit of befor for payment of xx s for his stok maill during thair willis.

Octavo Julii.

That na Craftisman use tred within the burgh until he be frie.—The quhilk daye the bailleis and Counsall ordanis thair officiaris to pas and discharge all maner of persouns Craftismen and trafficuaris within this burch usand onye kynde of tred unto sic tyme thai mak thame frie under the panis of warding of thair persouns that contravenis the samyn.

Decimo Octavo Octobris.

The quhilk daye the bailleis and Counsale beand convenit ordanis thair Thesaurer to big and upput ane yett upon Rais Cloce and mak the samyn lokfast and als to bye ane lok and key to the Wattir yet quhilk salbe allowit to him in his comptis.

Quinto Novembris.

John Castellaw ordanit to pay xl s̄ for his absence from the Burgh.—The quhilk daye the bailleis and Counsale haifand hard and considirrit the supplicatioun gevin in to thame be Johnne Castellaw smyth for his being absent and remanyng furth of this burch with his houshald and familie yeir and daye bipast he being chargit be the officiaris and be oppin proclamatioun (as he confessit) and thairfoir the said Johnne become in the saidis bailleis and Counsall will for the samyn The saidis bailleis and Counsale haifand consideratioun of the said Johnne guid will and mynd borne towartis the nychtbouris of this burch and that he hes payit contributioun with the brether of his craft decernis and ordanis him to paye xl s̄ of compositioun.

Vicesimo quinto Novembris.

Rolping of the commoun annucllis of the Burgh.—The quhilk daye eftir the dew rolping of the commoun annucllis as use is the samyn wes sett be the bailleis and Counsale to Thomas Huntar and George Skaithwie for the termis of Mertimes *in anno* lxxiiij instant and Whitsoundaye nixt to cum *in anno* lxxv yeiris for the sowme of fiftie ane markis vi s̄ viii d to be payit at Michaelmes nixt to cum Providing alwayis the Minister and Redar be payit of thair stipendis thairof att the termis usit and wont And Johnne Smyth baxter become souertie for the said Thomas and Johnne Schort become souertie for the said George for payment of the said sowme and the saidis Thomas and Johnne obleissis thame to releif thair saidis souerteis.

*The Compte of Johnne Harte Thesaurer of his intromis-
sion with the commoun guid of this burgh of the termis of
Martimes anno I^{co} V^c lxxii and Whitsundaye in anno lxxiii
yeiris maid in presence of the bailleis and Counsall as followis .*

THE COMPTAR CHARGE.

Fra the Laird of Pilrig for his mertimes mail of the commoun muir &c. iiij li

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Summa totalis orationis ane hundred fife pund xij s̄ iiij d.

The Comptar Discharge and exoneration as followis.

To Agnes Johnnestoun be command of precept for ane lyttle buird to the tolbuyth	- - - -	vi s̄
To ane work man for rowing of the corse stanis af the calsaye		xij d
To Johnne Schort for his baillie fie	- -	iiij li
To Andro Borthuik baillie for his fie	- -	iiij li
To James Hairt baillie for his fie	- - -	iiij li
To ane workman for the doun takin of the sclaittis of the tolbuith		xij s̄
Item for the biging up of ane dur and ane windo	-	xviiij d
Item for twa cruikis to the nethir seller	- -	iiij li
For inputting of the said erwikis and twa pund of leid to thame		ij s̄ vj d
To Maister David Makgill to procurir aganis the toun of Edinburgh ane angell noble price	- - -	lv s̄
To William Brysoun Maissar for summonyng of Johnne Ramsaye cus- tummer	- - - - -	v s̄
To Robert Scott wryter for outdrawing of ane act	-	xxv s̄
To James Harte att the command of the bailleis for his fie		iiij li

And to George Skaithwie	-	-	-	xx s̄
To Jonet Wilsoun for the commwnioun wyne	-	-	-	l s̄
To Maister David Borthuik and dowble ducat price				iiij ti xvj s̄
To Thomas Huntar to geve Mr David M ^c Gill	-	-	-	iiij ti
To the said Thomas to geve Mr Henry Kynross to procure aganis Adame Foulartoun and the toun	-	-	-	iiij ti
To James Brouklaye for rowing of the stanis of the croce quhen the English cannownis come to sege the castell	-	-	-	xviiij d
To Robert Wethirspwne quhilk wes warit on the pyper claise	-	-	-	x s̄
For making of the pyper claise and pasmentis thairto				xiiij s̄ viij d
To Johnne Sprott officiar att command of the bailleis				iiij ti
To Thomas Huntar to delyuir to Maister David Bortheik to procur aganis Edinburgh ane angell noble pryce	-	-	-	lvj s̄
Item for biging vpe with stane ane dur	-	-	-	xij d
To James Wilkie baillie for his fie	-	-	-	iiij ti
To George Skaythwie to gif Johnne Hendirsoun for making of the billis aganis Edinburgh	-	-	-	xv s̄ viij d
To the twa officiaris for thair feis for the space of ane yeir to cum				viiij ti
To Gilbert Blak of the rest of the maill of the tolbuith of the terme of Whitsoundaye in anno I ^m V ^c lxxiiij yeiris	-	-	-	iiij ti ix s̄
Item to Thomas Huntar to gif to Mr Henry Kinross to procure				iiij ti
Item for candill to the communioun	-	-	-	iiij s̄ iiij d
Item for careing of the tables and formis	-	-	-	xviiij d
Item to James Abercrummy be command of the bailleis and counsall conform to ane precept for satisfioun of ane annuell awand to the Convent furth of our Ladie land of all yeiris bipast and to cum during James lyif tyme as collectour the sowme of	-	-	-	x ti
Item to Thomas Huntar to gif the procuratouris of the commoun actioun and allowit be the bailleis	-	-	-	iiij ti xij s̄
Item to Robert Scott for extracting of the principall proces furthe of the registrar	-	-	-	x ti

Item to James Logane to bye ane buik at command of the bailleis xl s̄
 Item to Thomas Huntar to geve Maister Henrye Kinross at command
 of James Wilkie baillie - - - - v fi
 Item to Maister David Makgill ane roise noble the pryce iiij fi xvij s̄
 Item to Johnne Kirkwod tailyeoure att the command of the bailleis xl s̄
 Item to Robert Aytoun att the command of the bailleis and counsale
 for the tolbuyth maill - - - - vj fi vj s̄ viij d

Penultimo Decembris.

Comptis of the Assyise wyne assignit for the Girth croce.—The quhilk
 daye the bailleis and counsale haifand hard sene and allowit the comptis
 of Thomas Huntar of the assyise wyne intromittit with be thame of the
 termes of Witsoundaye and Martimes in Anno I^m V^c lxxij The saidis
 bailleis and counsale dischargit and exonourit the saidis Thomas and
 Williame thairof for evir and thatt becaus the samyn wes assignit to the
 said Thomas and umquhill Cuthbert Fergusson of befoir in recom-
 pensatioun of the expensis of the girth croce.

*The compt of George Skaitwie Thesaurer of his intromis-
 sioun with the commoun guid of this burche of the termes of
 Martimes in Anno I^{co} V^c lxxij and Witsoundaye and Mar-
 times in Anno I^{co} V^c lxxij &c.*

Fra Johnne Johnnestoune Sword sleper for his burgesschip iiij fi
 quhilk was gevin to John Brand minister be command of the Baillies

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Summa totalis oerationis fourscoir aucht pundis sax schillingis viij d.

The Comptaris discharge and exoneratioun as followis.

Imprimis to Cuthbert Fergussons wyif for the communioun wyne	ijj	fi	ij	ss	vj	d
To James Selkraig officiar for his awin expensis in horse wagis ryidand to Peblis with the bailleis	-	-	-	-	xxxvj	ss
To sax pynouris att the bailleis command for taking down of the lintall stane of the auld tolbuith windo	-	-	-	-	ijj	ss
To ane new pyper befor James now our pypare wes entirit att command of the bailleis	-	-	-	-	xiiij	ss
To Williame Robisouns wyif for the scuill maill	-	-	-	-	xl	ss
Item for ane daill to be ane table to the communioun	-	-	-	-	vj	ss
Item for ane aikin trie to be formis	-	-	-	-	xvj	ss
Item for ane wther aikin trie to be feitt to the new and auld formis	-	-	-	-	vijj	ss
Item for ane double spar to the communioun buird	-	-	-	-	ij	ss
Item for ane quarter hunder plenehoune naillis	-	-	-	-	ix	d
To Crawford for bering of the tymmir to the wrycht in the kirk	-	-	-	-	xvj	d
To the sawaris for sawing the tymmir to be formis	-	-	-	-	vj	ss
To Henry Mylne wrycht for ane trape to the poulpatt	-	-	-	-	iiij	ss
Item to the said Henry for thre dayis laubour in preparing and making of the tables to the communioun	-	-	-	-	ij	ss
To Johnne Weir pulderar for ane new Jwcate of tin weyand thre fi and ane half pryce of the pund	iii	ss	vi	d	<i>Summa</i>	-
To Johnne Trumbill cowper for ane new firlott	-	-	-	-	xij	ss
To Johnne Brand Minister	-	-	-	-	xiiij	ss
and thatt for Johnne Johnnestonis sword slipper burgeschip	-	-	-	-	iiij	fi
To Williame Brysoun messinger for charging of Thomas Hunter and the Bischope to compeir befor my Lord Regentis grace and Secrett Counsall for repairing and bigging of the kirk	-	-	-	-	v	ss

The expenssis of preparing of the saittis and bar to the tolbuith as eftir followis.

Inprimis for five auld daillis and ane half to be saittis in the tolbuith pryce of the pece vj s viij d	<i>Summa</i>	-	xxxvj s viij d
Item for carcing the daillis out of Leyth to the Cannogait			ij s
Item for half ane dosane of sparris	-	-	viiij s
Item for bringing thame out of Leyth to the Cannogait			xvj d
For ane dowble spar to be feitt to the standertis of the bonkellis	ij s	vj d	
For twa hundreth plencheoun naillis	-	-	vj s
To the saweris for sawing twa daillis and ane half	-		v s
To Alexander Barde smyth for bandis cruikis and stapillis to the bar dur of the tolbuith	-	-	ij s vj d
Item gevin to the wrychtis for thair wagis	-	-	x s viij
Item to Johnne Achisoun in his fie	-	-	iiij ti
To the calsaye maker at command of the bailleis	-		xviiij s
To Johnne Sprott officiar to geve George Gibsoun for ane act of delyverance of the Lordis of Counsall and letters direct thairupon for summonyng of certane preifis to preve our possessioun of the grammer scuile for the first terme	-	-	xiiij s
To Robert Aytoun for the tolbuith maill for the martimes terme in Anno I ^m V ^c lxxiiij yeiris	-	-	viiij merkis
To the Maister of the scole to gif ane messinger to suspend ane bill delyverit be the Lordis	-	-	twa s
To Richert Schankis for the auld tolbuith maill			iiij ti
To the pypare to bye his claise	-	-	vj ti
To Thomas Hunter for twa garrouns of aik to be cheikis soill and lintale to the yett in Rais cloise	-	-	viiij s
Item for ane daill to the yett	-	-	vj s viij d
For sawing of the daill	-	-	ij s

For xi pundis Irne of maid work in cruikis and bandis to Alexander Baird smyth pryce of the pund xij d <i>Summa</i>	-	-	xj s̄
For lok kie and stapill to the yett	-	-	vij s̄
For lyme to lyme the yett	-	-	ij s̄
For beiring upe of the yett and dur cheikis	-	-	vij d
For naillis to naill the yett	-	-	ij s̄
For naillis to naill the bandis of the yett on	-	-	vj d
To the wrychtis for making of the yett	-	-	x s̄
For twa halbertis to the officiaris	-	-	xxxij s̄
Item in drink siluer to the boye	-	-	vj d
Item gevin to Johnne Sprott to geve for letters to summond witnesses for preving of possessioun of our seule for the secound terme			xx s̄
Item to Johnne Crawford for xxiiij dayis thatt he keipit the wattir yett			xxxvj s̄
Item gevin to Johnne Aichisoun in his fie for Andro Chalmeris burge- sehip	-	-	iiij li
To Johnne Sprot and James Selkrig officiaris for thair feis			vij li
Item I want James Bowie flescheour Martimes stok maill in Anno I ^m V ^c lxxij yeiris	-	-	x s̄
Item I want of Gawane Watt fleschouris the hail thre termes maill			xxx s̄
Item I want of Thomas Neill fleschour uther thre termes maill for his stok	-	-	xxx s̄
To Johnne Young seruand to James Logane att command of ane pre- cept	-	-	iiij li
Item to James Wilkie baillie for his fie for the terme of Martimes in Anno lxxiiij and Witsoundaye lxxv yeiris			
Item to James Hart baillie for his fie	-	-	iiij li

Swa all thingis beand allowit hard sene and considirrit the Comptar is restand awand *de claro* the sowme of Sevintein pundis xvj s̄ j d.

Vicesimo Sexto Januarii.

Mortelaith.—The quhilk daye the Bailleis and Counsall ordanis George Skaithwie Thesaurer to bye ane mort claith of Franche blak ane basein of tyn quhilk salbe allowit to him in his comptis.

Gilbert Wat to set down on his knees and ask forgiveness.—The quhilk daye Gilbert Wat flescheour being wardit within the tolbuith of this burch for the injuring and blaspheming of James Hairt baillie as the said Gilbert confessit he wes ordanit to sit down on his kneis and ask the said James Hairt bailleis and Counsall forgevenes and in lykmanir to do the samyn on Setterday nixt to cum in the sessioun of the kirk And als the said Gilbert obleist him of his awin consent that gif ever he be convict in the lyk offence to ony Magistrat of this burch to tyne his fredome and remove him selfe furth of this burch during the bailleis and Counsall will.

Vicesimo quarto Februarii.

John Smyth to remane in waird and pay ane unlaw.—The quhilk daye the bailleis and Counsall ordanis Johne Smyth baxter to remane in waird induring thair will for the injuring of George Skaythwie Thesaurer in thair presens saying to him all thingis he spak was bot lesingis And thairfoir decernit him to pay ane unlaw of fiftie schillingis And in cace the said Johne commit the lyke fault in ony tyme cumming never to bruik office in Counsall heireftir.

Quinto Augusti Anno I^{co} V^c lxxv.

The quhilk daye in presens of the bailleis and Counsall the evidentis

eftir specifeit wer presentit and input in the commoun box That is to say Ane Chartour and precept under the greit and quarter seillis of the Donatioune of annuellis and Chapelanreis wantand the sesing together with the contract betuix this burch and Leyth all in ane buist.

Item in ane vther box the Commoun Chartour of the fundatioune of the Libertie of this burch with the copy of the principall summoundis betuix this burgh and Edinburgh Als four chargis and deliverances of the Lordis with tua Instrumentis thairvpoun anent the Custumes at the nethir boll and ane sesing of xl s̄ annuell furth of Williame Kintra land.

Decimo Quinto Novembris Anno I^{mo} V^o lxxvj^o.

The haill counsale convenit except Andro Borthuik.

The comptis of George Skaithwie Thesaurer and Collectour.

Oncratio.

The said Comptar chargis him with introumissioun of the commoune guidis of this burch and annuellis of the termes of Witsounday and Mertimes Anno I^m V^c lxxv and Witsounday Anno I^m V^c lxxvj in maner following.

In the first with the maillis of the commoun mwre of the saidis thrie termes extending to - - - xij li s̄

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The comptar chaigris him with the commoun annuellis of the said burch of the termes of Mertimes in Anno I^m V^c lxxv and Witsounday lxxvj conforme to the sett thair of to him extending to fiftie fyve markis.

Followis the Discharge and Exoneratioune of the said Comptar alsweill of his Intromissioun of the Thesaurie as Collectorie.

Item in the first vpoun the xiiij day of Januar gevin to Dene James Abercrumby at the bailleis command	-	-	ix s̄
Item vpoun the fourt day of Februar gevin to ane Candilmaker for caudill to the Communioune	-	-	v s̄
Item vpoun the aucht day of Januar gevin to James Hairt to geve Mr David Mc Gill to procure in Thomas Huntaris caus befor the Lordis of Secreit Counsale	-	-	v li s̄
Item vpoun the fyft of Junii gevin for lattoun to mark the pure	ij s̄	vj d	
Item to Robert Aittoune for the Witsoundaye and Mertimes lxxv and Witsoundaye lxxvj yeiris maillis of the tolbuith			xxiiij merkis
Item vpoune the xxi day of Julii Anno I ^m V ^c lxxv gevin to ane swascheat at Johnne Schoirtis command	-	-	xx s̄
Item the samein day gevin for ane quarte of wyne to geve to Johnne Frenche and Thomas Ramsay the first day of our mowstiris at Johnne Schoirt and James Wilkie command	-	-	x s̄
Item vpoun the xxvi day of Julii gevin to Johnne Bell smyth for the making of the Irue to the pulpit to hald the basing	-		ij s̄
Item vpoun the secound day of October gevin for candill to the communioun	-	-	v s̄
Item tynt of xiiij li s̄ of plackis and hardheidis be the crying doune of the siluer	-	-	vj li s̄
Item gevin to mak out Thomas Huntaris xl li s̄ quhilk wantit of the stent as the stent roll heir beiris	-	-	xvj s̄ viij d
Item gevin Carsane the swascheat that day we moustirit			xxx s̄
Item the samein day gevin to the pyper at the bailleis command			vij s̄

Item the samein day gevin to ane bonetmaker fallow to play on my Lordis swasche	-	-	-	-	vj s̄ viij d̄
Item gevin to Williame M ^c Neill at the bailleis command for ane sesing gottin fra him of Williame Kintrayis land	-	-	-	-	iiij liib
Item gevin at the bailleis and counsall command for x quarteris of French blak to be ane mort claythe price of ane elne liij s̄	<i>Summa</i>	-	-	-	vij liib v s̄
Item gevin for ffour elnis and ane halfe of bucrume to lyne the mort clayth price of the elne vj s̄	<i>Summa</i>	-	-	-	xxvij s̄
Item gevin to ane tayleour to lyne the samein	-	-	-	-	v s̄
Item gevin for ane basing	-	-	-	-	xxiiij s̄
Item gevin to Maister Johnne Hairt Thomas Chirries burgeschip for his fie viz.	-	-	-	-	iiij liib
Item the samein day gevin at the bailleis and counsall command to Andro Hay maltman for his suppoint	-	-	-	-	iiij liib
Item vpoun the xxij day of November gevin to ane officiar for ganging to Leith to summond Johnne Inglis about our annuellis	-	-	-	-	ij s̄
Item the same day gevin to Horne for bigging of the hoill in the bak of the tolbuith	-	-	-	-	iiij s̄
Item for lyme and sand to it	-	-	-	-	iiij s̄
Item the samein day gevin to the Frenche broudinster for the armes of the moirt claith	-	-	-	-	iiij liib
Item gevin to Johnne Schoirt and James Graye bailleis for thair feis in the yeir of God I ^m V ^c lxxv yeiris	-	-	-	-	vij liib
Item vpoun the viij day of Januar gevin to thrie pynouris to carie the cheik of the poirt to Johnne Bellis buith	-	-	-	-	xij d̄
Item gevin to thrie pynouris for taking of the auld tymmer out of the tolbuith to my close	-	-	-	-	xvij d̄
Item gevin to Johnne Bell Smyth for making of the key of the commoun box	-	-	-	-	ij s̄ vi d̄
Item vpoun the xix day of Januar gevin to Johnne Millaris wyfe for wesching of the communioun claise	-	-	-	-	iiij s̄

Item the samein day gevin to Johnne Bell smyth to graith the watter
yet - - - - - x s̄

Item vpoun the xxi day of Aprill to Andro Borthuik to geve Wilyeame
Logane officer for the copie of the charge anent the boulyeoune iij s̄

Item gevin to the officiaris for thair feis of the yeir of God I^m V^c lxxv
yeiris - - - - - viij li

Item vpoun the xxij day of Aprill gevin to Mr James Ritchie for
obtaining of our decreit vpoun Johnne Inglis anent our annuellis of
Chissolmes land - - - - - iij s̄ iiij d

Item the samein day to the officiaris - - - - - viij d

Item vpoun the vj day of Maii gevin to Johnne Schoirt baillie to geve
for suspending of the letteris anent the boulyeoune - xij s̄ iiij d

Item vpoun the viij of Januar anno I^m V^c lxxvj gevin at the bailleis
and counsall command for vij elnis of lynning claith to eik out the
communioun elais price of the elne iij s̄ *Summa* - xxvij s̄

Item the samein day gevin to James Gray baillie to geve for delivering
of the bill befor the Lordis anent the boulyeoune - xxvij s̄

Item vpoun the xxvij day of Maii gevin to Johnne Schoirt baillie to
geve Mr David McGill procuratour for the boulyeoune iij li

Item vpoun the xix day of Julii gevin to Cauldwellis Phesar the day of
our mouseris at Johnne Schoirt command - - - - - x s̄

Item the samein day gevin to James Selkrig for the lane of his horse to
James Gray baillie to ryd to Dalkeyth anent the boulyeoune vj s̄ iiij d

Item the samein day gevin at the bailleis command to ane boy to play
vpoun my Lordis swasche - - - - - vj s̄ viij d

Item the samein day to our awin pyper - - - - - ij s̄

Item gevin to Lady Naper at the bailleis command for thrie pyntis of
aill to thame - - - - - ii s̄

Item vpoun the xxij day of Julii gevin for the lane of ane horse to Mr
Johnne Hairt to ryde to Dalkeyth to the Regent anent Johnne Crau-
fuirdis warding - - - - - iij s̄

Item gevin to James Selkrig officiar to the men that kept the said
 Johnne in ward within the tolbuith - - - xvij s̄ iiij d
 Item gevin to Williame Robesoun wyfe for Mr Johnne
 scholemaisters mail - - - - - iiij ti
 Item the tent of October gevin for ane swasche to our moustiris iiij ti
 Item the samein day gevin to Cauldwellis Phesar at Johnne Schoirtis
 command - - - - - x s̄
 Item gevin to ane boy to play on my Lordis swasche vj s̄ viij d
 Item the samein day gevin to our awin pyper at Johnne Schoirtis com-
 mand - - - - - iiij s̄ iiij d
 Item the samein day gevin to James Selkrig officiar to pay for thair
 disiunis that playit on the swasche - - - iiij s̄
 Item upoun the last day of Junii gevin for rasing of Johnne Inglis de-
 creit anent the annuellis of Chissolmes land - - - iiij s̄ iiij d
 Item for twa stickis to the swasche - - - - - vj d
 Item gevin to Alexander Baird for setting on of the loke of the tol-
 buithe dure that Craufurde the wairder brak - - - xij d
 Item on the xij of October gevin for wasching of the communioune
 clais and for saip to thame - - - - - iiij s̄
 Item the samein day gevin for candill to the communioune - vj s̄
 Item vpoun the xx day of October gevin for candill to our awin com-
 munioun - - - - - vj s̄
 Item upoun the xxij day of October gevin to Johnne Reil messinger
 for chargeing of the bailleis of Edinburgh anent the consigning of our
 boulgoune - - - - - vj s̄ viij d

The comptar chargis him with the commoun annuellis of the termes
 foirsaidis extending to fyve markis conforme to the sett.

His Exoneracione and discharge as followis.

IN the first to Johnne Brand Minister for his fie of the foirsaidis termes
of Witsounday and Mertimes Anno I^m V^c lxxv and Witsounday &c.
lxxvj extending to - - - - xxxiiij li
Item to Alexander Thomesoune Reidar for his fie of the saidis termes

xv li

Summa - xlviiij li

Swa the comptar debursit mair nor his sett - xi li iij s iij d
to be allowit to him in the superplus of his Thesaurie comptis precciding.

Octavo Augusti Anno I^{co} V^c lxxviij^o.

The principall Chartour of the Burgh.—The quhilk day the bailleis
and counsall Ordanis the principall chartour concerning the libertie of
this bureh to be tane furth of the box and delyverit to Johnne Ache-
soune to the effect my Lord Regentis grace may have inspectioun
thair of.

xxi Januarii.

Collectouris of the Stent to mak thair Comptis.—The quhilk day the
bailleis and Counsall ordanis the collectouris of the last stent to mak
thair Comptis this day xv dayis And als James Hairt and Andro Bor-
thuik to mak payment of the xvij li borrowit furth of the box to pay the
bulycoun of Leyth.

xxviij Octobris Anno I^{co} V^c lxxviij^o.

The Baillie depute of the regalitie of Halyruidhous.—The quhilk day

Johnne Watsoune baillie depute of the regalitie of Halyruidhous beand requyrit for payment of xvij li borrowit furth of the commoun box quhilk was payit for the inhabitantis of Leyth pairt of the bulyeoune Quha ansuerit he aucht nocht to ansuer thairfoir to the saidis bailleis bot only to the Justice Clerk.

Sexto Octobris.

The quhilk day William Fendar dagmaker is maid burges sworne and admittit and hes payit to James Eistoun Thesaurer v li.

xvij Novembris.

The quhilk day Robert Mitchell tailyeour wes maid burges *gratis* sworne and admittit at the desyre of my Lord Justice Clerk.

xxviij^o Decembris.

The quhilk day Williame Vaus Armorar was maid burges sworne and admittit and hes payit v li to the Thesaurer.

Aneut the Contribution for persute of the friedom.—The quhilk day the bailleis and Counsall all in ane voice consentis to the contributioun of the expensis that Thesaurer Hunter sall happin to mak upoun the persute of the friedome &c intentit of befoir aganis Edinburgh becaus the samyne appertenis to the haill burch as ane commoune caus.

Quinto Aprilis Anno I^{co} V^c lxxx^o.

The Grammer Schole.—The quhilk day compeirit Gilbert Tailyeour

Skulmaister and renuncit and dimittit his gift grauntit to him be Adame Bischope of Orknay of the rycht of the grammar Schole during his lyf-tyme in favouris of the bailleis and Counsall Quha grauntit the rycht and tytill thair of to the said Gilbert to be haldin of thame as thai quha hes undouttit rycht to dispone the samyne And that salang as the said Gilbert suld remane within thair burgh in teiching of the youth and farder induring the saidis bailleis and Counsall will allanerlie Quhair-poune Johnne Craig Thesaurer askit act of Court and Instrumentis.

Penultimo Septembris.

The quhilk day the bailleis and Counsall hes set the wnlawis of xij d of everie pund that beis recoverit aganis all defendaris wilfull pleyaris conforme to the Act of Parliament for the space of ane yeir to Andro Borthuik for the sowme of xij li money quha obleissis him to mak payment thair of at the nixt electioun of the bailleis *in anno* lxxxii yeiris and George Skaithwic souirtie with the said Andro thairfoir.

The quhilk day Robert Gourlaw was maid burges sworne and admittit *gratis* at the requiest of my Lord Halyruidhous.

xiiij Decembris.

Anent ventaris of wyne.—The quhilk day it is statute and ordanit be the bailleis and Counsall that na maner of persoune or persounes ventaris of wyne within this burgh fra this tyme furth ressave ony wyne within thair housis or sellaris to be sauld except thai first declair the nummer of twnis ather to ane baillie or to the Thesaurer wnder the panes of xviiij s of wnlaw sa oft as thai failyie.

xvij^o Januarii.

Evidentis concerning the alterage of umquhill Sir William Barbour.—
The quhilk day the bailleis and Counsall haveand ressavit ffour peicis
of evidentis concerning the alterage of umquhill Sir Williame Barbour
be his relict In consideratioune quhairof thai have ordanit Johnne Brand
Minister to pay to hir v merkis of the Martimes terme annuell last
bypast.

xxv Maii 1581.

THE COMPT of Johnne Brand Collectour of the Annuellis of the
termes of Martimes lxxix and Witsounday lxxx Extending to l fi
His exoneratioune be allowance following.

Imprimis allowit to him for pairt of payment of his stipend of the saidis
termes - - - - - xxij fi

Item to Alexander Thomsoun Reidar for his stipend of the saidis termes
xvj fi

Item debursit to the Belman for his claythis schone and uther necessaris
ijj fi iij s vj d

Item gevin for the expensis in the pleyis of Johnne Wardlaw Johnne
Chisholme and the Maister of the schole in lybelling summounding to
maisseris and officiaris actis and vther small effairis for the saidis pleis
and schole - - - - - iij fi vj s viij d

Item to wmqhill Sir Williame Barbouris wyff iij fi vj s viij d

Summa xlvij fi xvij s x d.

Swa restis the Comptar *de claro* xlij s ij d quhilk wes instantlie de-
liverit to George Skaithwie Thesaurer And thairfoir the bailleis and
Counsall dischargis the said Johnne Brand and his cautionaris of the
said sowme of l fi.

Nono Novembris.

The Kingis Stent.—The quhilk day the baillieis and Counsall Ordanis ane stent of xxx li to be collectit to satisfie the Kingis stent for releiving of my Loird Halyruidhous for the taxatioun of xl^m li to my Loird Montroise Thesaurer to our Sovereane Loird.

xij Martii.

The Gallowly sett to William Makneill.—The quhilk day the baillieis and counsall hes sett the Gallowly to Williame Makneill for the space of ane yeir for iij li vj s viij d at Witsounday and Martimes Robert Wethirspune souirtie thairfoir.

xxj Junii 1582.

Acquittance of Harlaw Wode by James Erle of Moirtoune.—The quhilk day Andro Borthuik hes ressavit furth of the box the acquittance of Harlaw Wode gevin be James Erle of Moirtoune of the dait the day of Anno I^m V^c lxxvij yeiris.

Alexander Arbuthnet obligation anent the Byble.—The quhilk day James Eistoune hes ressavit furth of the box the obligatioun of Alexander Arbuthnet anent the byble.

The quhilk day Williame McNeill ressavit the commoune seill.

Septimo Augusti.

Anent injuring or blasphemy of the Baillies.—The quhilk day Johnne Achesoune Johnne Schoirt Mr Johnne Hairt Andro Borthuik Thomas

Huntar Johnne Kello Johnne Smyth Johnne Blak Williame Porteous Mr Archibald Wilkie Thomas Blair and Johnne Sinclare bailleis and counsall of the burch of the Cannogait sittand in Jugement Compeirit George Skaithwie burges of the said burch quha being accusit of the blaspheming and injuring of the saidis Andro Borthuik and Thomas Huntar bailleis Saying that thai had done the said George wrang in the pronouncing wranguslie of ane decreit aganis him at the instance of James Dowglas in Innerask &c Quhilk offence the said George grauntit and confessit and thairfoir become in the said bailleis and counsall willis And for amendement thairof the said George according to the ordinance askit God and the saidis bailleis and counsall oppinly forgivenes And thairfoir the saidis bailleis and counsall of consent of the said George statuit and ordauit that quhatsumevir persoun or persounes heirefter beis convict of the injuring or blaspheming of the saidis bailleis or ony utheris bailleis for the tyme in executione of thair office That thai salbe poyndit for ten pundis of unlaw to the puir for the first fault and tynsall of thair friedome and payment of uther ten pundis for the secound falt with all rigour And the saidis bailleis and counsall consentis that the said accusatione sall nawayis be prejudiciall to the said George heirefter in respect of the satisfacione foirsaid.

Penultimo Octobris.

The quhilk day Williame Smyth dagmakar quha maryit Edward Prestounes dochtir burges of befoir was maid burges sworne and admittit and payit vj s viij d to the Thesaurer.

Sexto Novembris.

The quhilk day Robert Mitchell tailycour being maid burges of

befoir is admittit to ryn wyne becaus he hes payit to the Thesaurer v fi besydis his first friedome.

The quhilk day Andro Borthuik productit the acquittance of the raid of Harlaw Wode in my Loird Moirtouns tyme and the samyne wes delyverit to Mr Archibald Wilkie Thesaurer.

xvij Februarii.

James Wilkies yaird.—The quhilk day the bailleis and counsall being convenit upoun the yaird dyke and hedge standing betuix James Wilkies yaird and James Selkrig the cognitioune and tryell thair of quhome to the samyne appertentit being referrit of consent of baith the parteis to certaine witnessis sworne and admittit in presens of partie and instantlie examinat Findis the said hedge to stand upoune the said James Wilkies ground And decernis the samyne to appertene to him and his airis in all tymes cuming as thair propir heretage.

Tertio Aprilis 1583.

John Smith ressavit burgess again.—The quhilk day the bailleis and counsall convenit haveand consideratioune of the supplicatioune gevin in befoir thame be Johnne Smyth and of his penitencie thairin contentit Thairfoir the saidis bailleis and counsall all in ane voyce Decernis the said Johnne to be maid of new frieman and burges and his ayth to be tane thairupoune Swa that he may be restoirit *ad integrum* to all privilegis as he was of auld Lyke as thai have presentlie eftir his aith gevin ressavit and admittit him And decernis the said Johnne to pay the sowme of sax pundis of unlaw for his formar dissobediencie in maner foirsaid And of his awin consent he is obleist that incaice he ever in ony tyme heir-

efter be convict in thryise contravening of the statuitis in tymes cuming and beis fundin contemptuoslie continewand thairin to forfault his friedom and to pay the sowme of xx ſi to the commoun guid besyides the puneishment of his persoune as accordis.

The quhilk day the bailleis and counsall ordanis the lattir pairt of the act abone writtin anent the breking of the statuitis in maner foirsaid to be extendit and usit aganis all persounes inhabitantis within this burch that beis convict thair of And siclyke panes and puneishment to be usit aganes thame with all rigour and to be employit to the commoune workis.

Unlawis to be employit to the commoun workis.—The quhilk day the bailleis and counsall hes statute and ordanit all in ane voyce that the haill greit unlawis exceding the unlaw of viij ſ salbe put in the commoun box and to be employit to the commoune workis of this burch in tymes cuming.

Ultimo Aprilis.

The quhilk day Jherome Bowie Johnne Boig Cristell Lamb Andro Moir and Johnne Stobo servandis to the Kingis Majestie was maid burges and maid faith *gratis*.

xvi Julii.

Selling of insufficient flesh.—The quhilk day Johnne Ra flescheour beand convict efter sufficient tryell for selling of insufficient flesche and presentand the samyne to be sauld in oppin and publict mercat was ordanit thairfoir to be poyndit for ane unlaw of xi ſ and to tyne his friedom gif he beis convict in the lyke fault heirefter.

Octavo Octobris.

George Newtoun Inglisman.—The quhilk day Johne Achesoun become actit band and obleist him as cautioner and souirtie for George Newtoun Inglisman allegit servitour to Sir Robert Bowis ambassadour to the Queynis Majestie of England within this realme for the tyme being than adiornayit and arrestit at the instance of Rawmound Blanche Frencheman burges and indweller of Burdeax and detenit in waird at his instance to enter and present the said George befor the saidis bailleis in jugement upoun the premonitioune of aucht dayis wairning to ansuer at the instance of the said Rawmound Blanche and his procuratouris so far as accoordis of the law and consuetude of this realme conforme to the clame and petitioune to be intentit and gevin in be writ be the said Rawmound and his saidis procuratouris aganes the said George befor the saidis bailleis quhen and how sone the said Johne Achesoun salbe requirit and wairnit thairto upoune the premonitioune foirsaid.

Octavo Novembris.

That swyne be keipit in fastnes.—The quhilk day the bailleis and counsall convenit hes statuit and ordanit that all maner of persounes inhabitantis within this burch haveand ony swyne that thai keip the samyne in fastnes swa that thai cum nocht on the hie streit And gif thai be fund in ony yaird or nychtbouris skaith It salbe leassum to the persoun quhom to the skaith is done swa that thai may apprehend thame within the boundis of the samyne to slay the said swyne without ony recompance to be made be the slayer thairfoir And als the awner of the swyne to pay the sowme of xvij s of unlaw.

xvj Junii 1584.

James Davidsoune appointit Scholemaister of the Burgh.—The quhilk day the hailleis and counsall convenit hes appointit and agreit with James Davidsoune Scholemaister quhill Witsounday nixt to eum for xx ħ of fie and makis and constitutis him assignay to the x markis being in the handis of the Abbot and Convent of the pitt-commounes By and attour the said xx ħi to be payit be thair said The-saurer at Witsounday and Martimes Begynnand the first terme payment at Martimes nixt to eum And the said Mr James obleist him that he sall schaw the bailleis and counsall ane quarter of ane yeir afoir his removing that thai may provyd the nixt remeid to place utheris in his rowme.

Walter Brown appointit to serve in the kirk in reiding the prayers &c.—The quhilk day the bailleis and counsall hes appointit and agreit with Walter Broune to serve in the kirk in reiding the prayeris uptaking of the salmes and serve as ane clerk in the sessioun for the space of ane yeir fra Witsounday nixt to eum for x ħi of fie allanerlie Begynnand the first terme payment at Martimes nixtocum.

.xiiij^o Octobris.

That na burgesschip or unlaw nor dewtie be grantit frie.—The quhilk day the bailleis and counsall convenit all in ane voice hes statute and ordanit that na maner of burgesschip nor na uther greit unlaw nor dewtie concerning the commoune guid be forgevin or grauntit frie in ony tyme heirefter nochtwithstanding ony supplicatiounes unto the tyme the tolbuith of this burch be edefeit and biggit and uther commoune workis as is to do be perfytit And quhatsumever persoune of the counsall that voitis in the contrare to pay the samyne burgesschip or unlaw out his awin purse to be employit to the saidis commoune workis.

.xxv Februarii 1585.

Sederunt haill Counsaile.—The quhilk day Robert Hammiltoune wright stoker of dagis and lang gunis was maid burges and freman of this burch quha was sworne and admittit and payit x lib of compositione to the Thesaurer.

Computum Johannis Smyth Thesaurarii.—The quhilk day Johnne Smyth Thesaurer haifand maid his comptis of Thesaurarii of this burch of the termes of Martimes fourscoir four and Witsounday fourscoir fyve IT is fund be the saidis bailleis and counsall efter the inspectiounne of the said compts Oneratioune and Exoneratioune that he restis awand *de claro xxiiij s vj d* quhilk is dischairgit to him for expenssis maid upoune ane puir man veseit with the pest in the land pertenant to Thomas Ramsay Thairfoir the saidis bailleis and counsall ordanis ane generall acquittance to be maid to the said Thesaurer of his intromissiounne with the commounne guid of the foirsaidis termes.

Tertio Octobris 1587.

Followis the Ordinance and Injunctiounes prescryvit be the Bailyeis and Counsall and to be observit be the Officiaris thairrof in putting of thair decreittis to executiounne.

Item it is statute and ordanit that the officiaris of this burgh efter the expyryng of the terme of law of all decreittis to be ressavit be thame Thay poind the persounes guidis aganes quhome the decreit beis pronuncit and appryse the saidis guidis lauchfullie thrie mercat dayis within xv dayis thairefter and make payment to the partie persewar And swa to put the decreittis to dew executiounne within the saidis xv dayis or uther-

ways to mak faith thay can get na guidis of the pairtie defendar poindable Or ellis to declair thai ar deforcit With certificatioune and thai failyie heirintill that the officiaris persoune quhome of the pairtie salhappin to complene for nocht putting of his decretit to dew executiounesall remane in waird quhill payment be maid to the complenar conforme to the tenour of the decretit.

Decimo Octobris.

Sederunt haill Counsall.—The quhillk day It is statute and ordanit be the bailyeis and counsall that the haill actis and statuittis maid of auld concerning the weill of the burch and commoune effaires thairof be observit and keipit without ony contraventione of the samyne and that all unlawis concerning the samyne be upliftit and put in the commoun box for repairing of the tolbuith and utheris commoune workis within this burch and that the persounes offendaris convict in unlawis remane in waird quhill the samyne be payit and nane of the counsall to be ressavit cautione for the samyne And gif ony of the counsall objectis or procures aganes the uplifting of the saidis unlawis to be upliftit according to the statuittis maid of befoir thai to pay the samyne of thair awin proper guidis for contraventione of thair aith maid in acceptatioune of thair offices.

Penultimo Decembris.

The roiping of the Gallowley.—The quhillk day the bailyeis and counsall ordanit the haill nichtbouris be sound of drum to be wairmit agane this day xiiij dayis To compeir to the roiping of the Gallowley.

The Burgh Drummer.—The quhillk day the bailyeis and counsall agreit with Johnne Thomsoune flescheour to serve and pas throw this

burgh with his drum at ffour houres in the morning and aucht at evin for the space of ane yeir heirefter for the auld dewtie and fand James Eistoune cautioune that he sould keip his hour wind and weddar servand under the panes of xij d of unlaw sa oft as he failyeit.

Sexto Januarii.

Unfriemen and topstaris to be warnit.—The quhilk day the bailyeis and counsall ordanis the Thesaurer to caus warne all unfriemen and topstaris to compeir befor thame this day aucht dayis to ansuer to sic thingis as salbe layid to thair charge ilk persoune under the pane of xvij s̄.

xij Januarii.

The burgesses to have faill clay and devot from the Gallowley—The quhilk day efter the dew roiping of the Gallowley the samyne was sett to for the space of and for the payment of ffour pundis money at Witsounday and Martymes With powar to the said to teill the samyne and nawayis to saw ony coirnes thairon And with full libertie of the haill burgesses within this burgh to have faill clay and devot quhair the samyne may be had conforme to use and consuetude.

Sexto Aprilis 1588.

Anent the complaint of nichtbourheid aganis Alexander Hay.—The quhilk day the bailyeis and counsall beand convenit upoune the ground of the yaird and land pertening to Williame Stewart wryter in Edinburgh lyand within this burgh on the north syid thair of &c Anent the complaint of nichtbourheid gevin in befor thame aganes Alexander Hay Makand mentioune That quhair in the hindereud of the moneth of

September last bipast the said Alexander be himselfe and utheris in his name at his command come to the said Williame nether yaird dyke pertenent to him as ane proper pairt of his land and heretage lyand on the north syid of the hie streit quhilk suntyme pertenit to umquhill Williame Lowsoune barbour and thair the said Alexander and thair incontrare guid nichtbourheid tuik away and spoilyeit the greatest pairt of the hail stanes being in the said Williame dyke holkit and undermyneit the samyne As alswa tuik doune the sait of ane prevy quhilk was biggit in the said dyke and had passage doune in his yaird thir xx yeiris past And quhairof the said Williame his tennentis and predicessouris was in peceable possessioun during that space And albeit that the said Williame hes diverse tymes requyrit the said Alexander to have biggit and repairit his said yaird dyke and in speciall the said sait of the said Williame prevy in als guid and substantious maner as it wes of befoir Nocht theles the said Alexander refusies to do the samyne without he be compellit be us thairto &c As in the said Williame clame gevin thairupoun at mair lenth is content The Richtis ressounes and allegeances of ather pairteis beand proponit haird and considerit The saidis bailyeis and counsall of consent of ather of the saidis pairteis Decernis and ordanis the said Alexander Hay to construct and upbig the said dyke sufficientlie fra the ground thrie quarter heicht above the ground of the said Williame Stewart yaird within xv dayis efter the dait heirop And the said Alexander to cut doune and tak away the twa asche treis growand within the said dyke and dispone thairupoun at his plesour And the said dyke properlie to appertene to the said Alexander and his airis as thair proper dyke of thair said yaird in all tymes cuming And to uphold the samyne and to keip the said Williame Stewart and his airis and thair said yaird skaithles thairof in all tymes heirefter Quhairupoun aither pairteis askit instrumentis.

xx^o Augusti.

The quhilk day Thomas Huchesoun swordsliper was maid burges sworne and admittit and payit for his compositioun to the Thesaurer x li.

The samyne day Andro Lindsay quha maryit Alexander Grub swordslipers dochter being fricman and burges of befoir was maid burges sworne and admittit and payit for his compositioun to the Thesaurer vj s̄ viij d̄.

Quinto Septembris.

Anent disobedience of the Magistrattis and Memberis of Court.—The quhilk day Thomas Russell baxter being accusit befoir the bailyeis and Counsall for disobedience of James Eistoun bailie upoune the feird day of September instant efter that the said bailie him selfe and the officiaris of this burgh in our soverane Loird name and my Loird Justice Clerk had commandit the said Thomas to pas to waird for the cruell stryking and dinging of James Dik Wilkeyne Pott and James Martene snyth burgessis of this burgh and divers uthers with ane pistolet upone thair heidis faces and schoulderis diverse bangis straikis to the effusioun of thair blude in greit quantitie and thairby contemptand and disobeyand the saidis bailyeis and officiaris efter that the said Thomas was commandit as said is at the stair fute of the tolbuith of the said burgh sayand the devill ane fute wald he gang to waird And thair-efter being put up the stair quhill he come to the tolbuith dure and than declairit he wald gang na farder and beand commandit be the said bailie to pas up the stair and enter his persoune in waird for the offences he had committit in dinging of the foirsaidis persounes Refuisit sayand the said bailie leyit falselie As alswa dang and manassit Patrik Speir and Robert Crawford officiaris in executioun of thair offices As in the dittay gevin

in thairupoun at mair lenth is contenit Quhilk being verefeit sufficientlie be famous witnessis The said Thomas Russell was convict of the foirsaidis offences and contentis of the said dittay And thairfoir was decernit in ane unlaw of ten pundis money and tinsell of his friedome and libertie And to be debarrit thairfra during the bailleis and Counsall will And als was ordanit to sit doune on his kneis and ask God and the said bailye and officiaris forgiveness for the saidis offences.

The samyne day compeirit Thomas Ramsay and beand accusit be dittay grauntit and confessit that he had injurit James Eistoune bailye in his awin hous sayand that efter he was send for to cum to speik and agrie with ane callit Tennent dwelland in Nydrie The said Thomas sayd and declairit that he sould be evin with the said bailye thairfoir within ane schoirt tyme And swa manassit the said bailye The said Thomas than beand accompanyet with Frances Trottares servand to my Loird Bothwell &c For the quhilk offence the said Thomas was decernit in ane unlaw of ten pundis and tinsell of his friedome and libertie during the bailyeis and Counsall will.

The quhilk day the bailyeis and Counsall all in ane voyce hes Ratefeit and be thir presentis ratifeis the former Act and ordinance maid of befor anent the disobedience of the magistrattis officiaris and members of Court in executioun of thair offices And speciallie the magistratis being furth of thair offices for ony deid thai did or executioun thairof quhen thai war magistratis And the persounes that beis thryis convict in dissobeying or injuring of the saidis Magistratis officiaris or memberis of Court to tyne thair friedome for ever and baneist the toun and nocht to have ony dwelling nor residence thairin thairefter.

ROYAL LETTERS AND INSTRUCTIONS, AND
OTHER DOCUMENTS, FROM THE ARCHIVES
OF THE EARLS OF WIGTON.

MDXX—MDCL.

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WIGTON PAPERS.

To the liberality of the Honourable Admiral Charles Fleming of Biggar and Cumbernauld, the Club owes the permission to print the following highly interesting documents, which have been selected from a considerably larger portion of the Wigton papers at Cumbernauld House, and communicated to the editor by the politeness of George Turnbull, Esq. W.S. Their nature will be gathered from these brief notices of their contents.

I. This paper contains the instructions to John second Lord Fleming for his mission to France, to urge the return of the Regent Albany to Scotland. John Duke of Albany, grandson of James II., was named to the Regency in 1514, after the death of James IV. at Flodden; and having, in the following year, succeeded in obtaining an Act of Parliament, by which the illegitimacy of his elder brother Alexander Stewart was declared, he thereby became next heir of the infant Monarch. His

birth and education in France communicated to his habits and policy a bias, which placed him at the head of a faction, who conceived that submission to French interests was the best security for Scotland against English ambition. To that party belonged Lord Fleming, who had accompanied de la Bastie and other friends of Albany to Scotland, for the purpose of promoting his appointment as Regent, and who was rewarded by the office of Great Chamberlain, while de la Bastie was sent as Warden of the East Marches, to thwart the schemes of the English party on the Border. Soon after the Regent's return to France, in June 1517, the latter was basely murdered by the friends of Lord Hume, whom he had superseded in that post; and in 1519, the same persons followed up their vengeance by the slaughter of Blacadder, prior of Coldingham. Meanwhile the fluctuations of state policy having placed the English interests in the ascendant at the French court, Albany and his party became most earnest for his return to Scotland, which the whole influence of Henry VIII. was employed to prevent. Accordingly, in the spring of 1520, Lord Fleming was despatched to France, to negotiate for the restoration of the Regent, and to undermine the friendly sentiments which Francis I. then entertained for the King of England, on the eve of their romantic meeting on the Field of the Cloth of Gold. The paper here printed, appears to be the original draft of Fleming's instructions, which these few notices will render intelligible. The instructions have been unknown to historians; there appears every reason to conclude, that they were drawn by Albany himself, who repeatedly throws off even the flimsy disguise of speaking in the third person.

The actual return of Albany was postponed until November 1521, by which time English influence had again waned in France. The details of these transactions may be learned in Pinkerton's history of Scotland, and in the Bannatyne Club's edition of Lesley's history; the general position of parties in Scotland may be seen at a glance, in the beginning of the twenty-eighth chapter of Hume's History of England.

II. It is unnecessary to trace the consequences of the ill-advised marriage by which Queen Margaret, the eldest daughter of Henry VII., gave her hand to Archibald sixth Earl of Angus, within a year from the death of James IV. at Flodden, and scarcely four months after the birth of his posthumous child. This union, the fruit of her ill-regulated passions and Angus's ambition, was thwarted by the tangled web of state intrigues, and profaned by mutual infidelities. The divorce, which the Queen already meditated in 1518, was, according to Pinkerton, pronounced by the Chancellor of St. Andrew's in March 1526, and was speedily followed by her marriage with Henry Stewart, the future Lord Avondale. In the document now for the first time printed, Queen Margaret protests, on the 8th December 1527, that although the sentence of divorce, pronounced in the Roman court on the 11th of the preceding March, had not till then reached Scotland, in consequence of the continental troubles, her marriage had been dissolved from that date; and that nothing thereafter done or attempted against her honour, interest or purposes, by her son James or by Angus, should avail, even though assented to by her under the influence of force or fear. It

would thus appear that Pinkerton has been led into the error of a year, and that the true date of the divorce was 11th March 1526-7, although the process in the ecclesiastical court of St. Andrew's, mentioned by Lesley, had been raised in the preceding year.

No. III. is printed from a copy, taken apparently about a century after the date of the original letter, which was written from Edinburgh in 1563, by Randolph, the English ambassador at the court of Queen Mary. It has been thought worthy of a place in this collection, as a curious specimen of the euphuism which was in fashion in those days, as well as an interesting account of "the Queen of the Beene," a now forgotten pastime. The King and Queen of the Bean acquired their dignity by the chance of cutting up that part of a cake in which a bean was concealed, on the eve of Epiphany, the 5th of January, and their reign was solemnized by a banquet on the following day. This pastime is mentioned by Strutt; it clearly owed its origin to the observance of that church festival, and has been succeeded by drawing for the King and Queen upon Twelfth day. Mary Fleming, one of the Queen's "four Maries," was the youngest daughter of Malcolm third Lord Fleming, and became, on the 6th of January 1567, the second wife of William Maitland of Lethington, the noted secretary of state. "The Queen of the Beene" thus obtains a claim upon our Club, as the daughter-in-law of our Patron, which may justify the introduction of this letter, although it has already been printed, and is referred to at p. 160. of the Club edition of Sir Richard Maitland's poems.

IV. The writer of No. IV. appears to have been Lord John Hamilton, second son of James second Earl of Arran and first Duke of Chatelherault, who was afterwards created first Marquis of Hamilton, and whose eldest sister Barbara was wife of James fourth Lord Fleming, the elder brother of John the fifth Lord, to whom this letter is addressed. Lord John was then, and during the life of Queen Mary continued to be, the leader of her party; a fidelity which involved him in attainder and exile, and which was touchingly acknowledged by a ring sent to him by Mary just before her execution, in token of his great and unwearied services. The following dates will exhibit the position of parties at the date of this letter. May 3d, 1567, Bothwell's divorce pronounced; May 15th, his marriage with the Queen solemnised; May 30th, a muster of the Queen's party proclaimed; June 7th, she retired from Edinburgh to Borthwick castle; June 10th, Bothwell fled to Dunbar; June 11th, Edinburgh seized by the insurgent Lords; the Queen's forces called out; her escape in male attire to Dunbar; June 14th, her march to Seaton; June 15th, the two armies met at Carberry hill; after various manoeuvres and negotiations, the Queen sent away Bothwell to Dunbar, and surrendered to the Lords upon favourable conditions; June 16th, these conditions broken by the Lords, and the Queen imprisoned by them in Lochleven castle. The Lord Fleming continued to co-operate with his relations the Hamiltons for the Queen's cause, and was one of her defenders before the commission of enquiry at York in 1568.

V. The Cunninghames and Sempills had been long at feud, and their mutual slaughters, which followed as a natural consequence in these bloody times, are commemorated by the *Justiciary Records* in 1533-4. The quarrel, having broke out afresh in a new generation, occupied the cares of the *Privy Council* in 1606, and the result of their interference seems to have been the reconciliation attested by No. V. The details may be seen in *Pitcairn's Trials*, I. *164-*166, and II. 580. The chronological arrangement of this document has been anticipated, in order to class together the next five papers, as all having reference to Church matters.

No. VI. is a letter from James VI. desiring that John first Earl of Wigton should concur with George Home Earl of Dunbar, who was instructed as to the course to be taken in Church matters, on the eve of the meeting of Assembly, proposed to be held at Aberdeen in July 1605, but which was postponed in consequence of the measures contemplated by the Presbyterian party. Dunbar was the instrument selected by the King for effecting the establishment of Episcopacy in Scotland: according to Wood, his patent as Earl of Wigton and Dunbar, was not issued till the 3d July of that year, the date of the present letter, in which he is so designed, being 13th June.

VII.—X. The Papists of the north, under Huntly, Angus and Errol, having shown a troublesome appearance, a General Assembly was held at Linlithgow in July 1608, by the King's command, in which va-

rious strong measures were adopted against them, and a committee was commissioned to lay before his Majesty a petition for the enforcement and extension of the laws against Popery. These commissioners, one of whom was John first Earl of Wigton, received for answer that the King "would give order for a Convention of Estates, which should ratify the conclusions of the Assembly; assuring them that the Church, keeping that course, should never lack his patrociny and protection." The paper, No. VII., desires the attendance of the Earl at a meeting preliminary to the Convention, for the purpose of preparing measures in accordance with these views. No. VIII. is an order from the King for the Earl's attendance on the General Assembly at Glasgow, on the 8th June 1610. No. IX. is a like order, in reference to the General Assembly held on the 13th August 1616 at Aberdeen. No. X. is a letter from the Chancellor Dunfermling, desiring the Lord Fleming's attendance as one of the Privy Council, to receive the communion publicly at Edinburgh, on Easter Sunday, 1619. He became second Earl of Wigton, on the death of his father, a few weeks later.

The subsequent papers possess the highest interest, for they not only exhibit the house of Fleming among the unflinching maintainers of Royalty in its hour of need, but bring the Earl and his sons into immediate contact with that mirror of chivalrous loyalty, the great Montrose. The history of this period has lately gained a new light from the indefatigable researches of Mr Napier, whose industry has collected,

from documents that had been overlooked or suppressed by preceding writers, evidence which has overthrown much of that which has been hitherto received as authentic. The faction who, with the Covenant as their watchword, tyrannized over Scotland for their selfish and dishonest ends, have been shown by him in their true colours, and the motives of Montrose stand free of all imputation, except that of having, in the inexperience of confiding youth, trusted the sincerity of the Presbyterian party. But the subject is far from exhausted, and a careful examination of original papers still preserved by the families of the actors in these scenes, will from time to time afford new proofs of the base ends then pursued under the mask of religion. Such are the documents here printed, several of which complete the evidence, which Mr Napier's sagacity has anticipated, in exculpation of Montrose's last expedition in 1650, and of his faithful discharge, to his dying hour, of the King's instructions. John second Earl of Wigton was, through his mother Lady Lillias Graham, cousin-german of Montrose; and it was at his house of Cumbernauld, that the conservative bond of July 1640 was prepared and signed,—that first attempt to save the crown and the country from the revolutionary party. He died on the 7th May 1650, leaving by Lady Margaret Livingstone (daughter of Alexander first Earl of Linlithgow, and sister of James Earl of Callender,) John the third Earl of Wigton, and Sir William Fleming. The latter was an attached attendant of Charles I., and a faithful envoy of Charles II. in many of his missions. In the latter capacity his name occasionally ap-

pears in Wishart's Memoirs, the Ormond Papers, and other cotemporary memorials; and several of his missions are noticed in the list of passes printed at the end of the present collection. His services in the Royal household, as proved by documents at Cumbernauld, may be thus briefly sketched.

Mr William Fleming was sworn gentleman-usher extraordinary of King Charles I.'s Privy chamber, on the 9th June 1641, under Sir William Anstruther gentleman-usher; and on the 2d July 164[3], he (being then knighted) had a warrant from the King at Oxford, to act *pro tempore* as gentleman-usher in ordinary in absence of Sir William, with the promise of a permanent appointment to that office on the first vacancy. There is another warrant of the same Monarch from Newcastle, for a yearly pension to him of £200 Sterling, with all the arrears, in consideration of his gratuitous services as gentleman-usher during the last seven years; and this pension was confirmed and continued to him by Charles II. on the 3d November 1649; who likewise, in 1652, promoted him to be vice-chamberlain. On the restoration he obtained a pension of £400; and a sum of £1000 as an acknowledgment of his many past unrequited services to the Royal cause. About the same time, the office of cup-bearer extraordinary was bestowed upon James Fleming, son of John third Earl of Wigton, and nephew of Sir William, with a promise of an appointment to the emolument on a vacancy; but he appears to have experienced the worthlessness of court promises, and after long

waiting and gratuitous services, he petitioned for a pension as a means of subsistence.

No. XI. is a commission under the Great Seal from Charles I., for putting down disorders, and maintaining the discipline of the Episcopal Church, issued in 1634, the year subsequent to his coronation in the Castle of Edinburgh, and printed from a copy.

No. XII. indorsed "Copie of the first petitione anent the Service-book," is in fact the complaint against the Bishops, which was drawn by Loudon and Balmerino, with the aid of Dickson and Henderson, and signed on the 18th October 1637. This document, which has not been printed by Balfour (vol. ii. p. 237), is of great importance as one of the first decided steps towards that revolution which now impended over church and state; and it is remarkable to find among the subscribers the loyal Lord Fleming, whose father Wigton was at this very time on the committee of the Secret Council, to whom the enforcement of the Liturgy was committed.

No. XIII. is an argument that the abjuration of Episcopacy was not inferred by the Covenant sworn to by James VI. in 1580, and affords an interesting exposition of the high-church doctrines of that day.

XIV.—XV. The report of the auditors of the Commissary General's

accounts of the Army at Newcastle, in 1641, is printed from a copy on which the observations of the committee are added. As illustrative of the mode of levying troops during the civil wars, and of regulating their arming and commissariat, the instructions from the Estates to Argyle are given at No. XV. They are taken from an undated copy, but were probably issued in 1643-4.

XVI.—XIX. Mr Napier, in his "Montrose and the Covenanters," (Vol. I. chapters 14, 15, and 16, and vol. II. chapters 1, 2, and 3,) has for the first time sifted that obscure passage of history entitled "the Plot;" and proved that Montrose, Napier, Keir and Blackhall, though arraigned as plotters, were in truth victims of a tyrannical intrigue. No. XVI. and XVII., both holograph of Stirling of Keir, contain his procuratory to the Earl of Wigton, for presenting a petition to Parliament in which he demanded a fair trial, and the instructions he wished the Earl to pursue for obtaining this justice. The answers of Montrose, when put upon his defence in Parliament on the 27th July 1641, were known to Mr Napier only through the imperfect notes of the Parliamentary Record, and of Balfour's Annals. A verbatim report of what passed had been preserved by his friend Wigton, on whose motion he was heard at the bar, and it forms No. XVIII. of this collection. No. XIX. is a most important illustration of the same dark process, being the protest in which "the plotters" put upon record the extreme injustice which had deprived them of a public trial, and their innocence of all the crimes laid to their charge.

XX.—XXII. Following the chronological order of these papers, we have in No. XX. a fine appeal to the loyalty of Wigton, dated soon after Montrose had placed his services at the disposal of the Queen, and when the King found himself at the head of an effective army; as a bold specimen of the Royal autograph, it is presented in fac-simile. No. XXI. is one of Charles's repeated endeavours to "preserve the affections of his people," by testifying his sincere desire for their welfare, and his disapproval of those incendiaries, "who went about to weaken the confidence betwixt him and his people." Wishart has mentioned, and Carte has printed in the Ormond Papers, vol. I. p. 42. a loyal bond, drawn by Montrose, for the purpose of committing certain waverers to the bold line, to which he obtained the King's sanction at Oxford in the end of 1643. A similar declaration, which was no doubt prepared about the same time, is printed at No. XXII. from an unsigned copy.

XXIII.—XXV. Illustrative of the dashing episode known as "the Raid of Haddo," of which Spalding has preserved a graphic sketch, are Nos. XXIII. and XXIV.; both are declarations by Huntly, and are valuable as explanatory of the motives of that gallant but most impracticable royalist. The former has been quoted by Mr Napier, from a scarce cotemporary impression. No. XXV. is a verbatim note of the chivalrous speech on the scaffold, by which the Marquis scarcely redeemed the waywardness of his preceding career, and which is imperfectly preserved by Monteith in his narrative of the troubles. These three papers are from cotemporary copies.

XXVI—XXVIII. In November 1645, Montrose marched his little army into the Highlands, to undergo a second winter campaign, leaving behind some of his friends, whose constitutions seemed unable to encounter its hardships, and who, in consequence, were obliged to make what terms they could with the enemy. Among these was Lord Fleming; and the Parliament, disappointed of their vengeance unto the death, by General Leslie's guarantee for his personal safety, and induced by his uncle Calender, (who, though a party to the Cumbernauld bond in 1640, was now a leader of the Revolution), allowed him to retire home on an enormous bail, and under a heavy fine. No. XXVI. and XXVII. illustrate these arbitrary proceedings, and No. XXVIII. presents at once a curious illustration of the family arrangements usual at the time, and of the wreck and ruin of civil war.

No. XXIX. is an interesting memorial of a darker scene in these troubled times. The "good President" Spottiswood having surrendered, and received quarter from the Earl of Lanrick, after the battle of Philiphaugh, was notwithstanding brought to trial with the other prisoners, three of whom claimed the like benefit from their voluntary surrender. The pleas for Sir Robert are fully given, but they were urged in vain before his partial judges; and Balfour has noted that they convinced but two of the peers, of whom only four voted for a commutation of his capital punishment. The sentence of death, pro-

nounced by the Parliament on the 16th of January 1647, was carried into execution four days afterwards.

XXX—XXXIV. It appears that Sir William Fleming was so far deceived by the promises of the more moderate Presbyterians, under the selfish and vacillating Hamilton, as to become, in 1648, their ambassador to the Queen and Prince, in order to explain "the Engagement" which they had pretended to form for the rescue of Charles; and revolting as it must have been to a loyal heart, to do the errand of those who had notoriously sold their king and pocketed the purchase-money, it is difficult to see what better course he could have adopted, when the Sovereign was in captivity, and Montrose in exile. His instructions are printed from a cotemporary copy, and are given in No. XXX.; and the two following documents contain the instructions and additional instructions in reply, from the originals signed by the Queen, and countersigned by the Prince. The substance of these proves that, though ready to enter into the design of "the Engagement," they deemed it necessary to give a clear statement of the pledges which their sanction was understood to infer from such allies. These pledges are solemnly accepted in No. XXXIII., also an original document; how well they were kept, the craven behaviour of the engagers at Preston, as detailed in the Ormonde Papers, vol. I. p. 159, fully testifies. No. XXXIV. appears to be a copy of separate instructions to Sir William, by the trimming and intriguing Calender, for the purpose of obtaining for himself the Queen's special confidence at this time.

XXXV—XLII. A still more important mission of Sir William Fleming is illustrated by the next eight documents, which are here printed from the originals, and for the first time. Mr Napier has published, (vol. II. p. 525.), an original letter of Dr Wishart's, from which it appears that the settlement of differences proposed to Charles II. by the Covenanters, through their agent Winram in the beginning of 1650, stipulated for the sacrifice of the object of their bitter detestation, the Marquis of Montrose. This negociation, though unsuccessful, prepared the way for the treaty of Breda, to which Commissioners were named by Parliament on the 8th of March, whose instructions are given in No. XXXV. It was signed on the 13th of May; the King being then aware of Montrose's descent upon Orkney, but not of his arrival on the mainland, nor of his defeat at Corbiesdale. In the unfortunate deficiency of authentic details of these events, the greatest interest attaches to the papers now recovered from the family of Sir William Fleming, in whose hands they remained, his mission having been rendered vain by the hurried murder of Montrose.

On the day on which the treaty was signed, Charles in No. XXXVI. instructs Fleming to proceed to Montrose, to inform him of the pacification, and assure him of his continued approbation and favour. To the same purpose, he received an autograph private letter and public orders to the Marquis, (No. XXXVII. and XXXVIII.) commanding him to lay down arms; the latter of these was read, from a "double," to

Parliament on the 25th of May, being four days after Montrose's execution (Balfour, vol. IV. p. 25.). It is probable that No. XXXIX., containing private instructions to Fleming, was of the same date as those last mentioned, and that some unexpected circumstance had delayed his departure; for the King's letter to the Parliament, recommending them to provide for the safety of his troops, (No. XL.), is dated on the 18th. Meanwhile a suspicion had crossed the mind of Charles, which, whether authorized by any newly detected duplicity, or the result of past experience, cannot surprise those who have examined No. XXXV., or learned from history, that political jesuitism may co-exist with Presbyterian professions. Fresh instructions (No. XLI.) were therefore prepared for Sir William on the 19th, in which a discretion is given to Montrose, and the other Royalists in Scotland, to keep their forces together, if any ground should arise for doubting the good faith of the Covenanters; and, of the same date, an autograph letter, (No. XLII.), from Charles, desires Montrose to give full credit to the bearer, and act as instructed by him. With these documents before us, there can be no farther question that Montrose's descent was undertaken, executed, and, but for its tragic conclusion, would have been followed up with the full sanction, concurrence and approbation of his master, and was as entirely apart from private aims or personal ambition, as the preceding passages in his bright but brief career. But it remains to clear the honour of Charles from the double imputation contained in the last quoted passage of Bal-

four's Annals. Those who have studied the characters of Argyll and Lothian, may attach small weight to the verbal report by the former, of an allegation written by the latter, "that his Majestie wes no wayes sorey that James Grabame was defait, in respect he hade made that invasione without, and contrarey to his command." But there is a far more serious charge contained in the Lord Lyon's minute of the reading of a letter, addressed by the King to the Parliament, in which he desires them "to doe himselve that justice, as not to belive that he was accessory to the said invasione in the lest degree:" and the idea of a fraud or a forgery is scarcely reconcileable with the subsequent remit of this letter to the Committee of despatches, that it might be answered. Yet how deeply were the Parliament interested to invent a justification for their blood-thirsty zeal in condemning Montrose, without even the form of a trial, or the opportunity of a defence, and for their indecent haste in pronouncing sentence, ere he had time to be brought from the field of battle to their bar! And is it credible that the King should (apart from all considerations of honour, integrity or gratitude,) dare to dictate to his Parliament a public despatch, contradicted in every point by no less than seven documents which accompanied it, probably by the same messenger, and which would have all been made equally public, but for that unforeseen catastrophe which suddenly numbered Montrose with those who tell no tales? It only remains to note the 20th of May as the date of Sir William Fleming's pass from Breda to Scotland and back; the 21st as the day of Montrose's murder; and the 25th as that

on which Sir William Fleming's despatches were laid before the Parliament.

XLIII. One other memorial of the Great Montrose remains, and a more interesting one could scarcely be found. A tract was published in 1650, entitled "A true and perfect relation of the most remarkable passages and speeches at and before the death of his excellence James Marques of Montrose," and it has now become exceedingly scarce. From this tract seems to have been taken the substance of Wishart's concluding details; but as the copy discovered among the Cumbernauld papers has all the raciness characteristic of an eye-witness's narrative, and contains some touches which have been suppressed in both of these editions, it is printed at length.

XLIV—XLV. As a matter of local interest, a warrant from the Committee of Estates, for garrisoning the house of Cumbernauld in 1650, is printed at No. XLIV. The last document in this collection is a key, which may probably prove useful in decyphering some of the loyalist correspondence during the times. Appended is a list of passes or passports found with the preceding papers, accompanied by several facsimiles of the signatures, it not having been thought necessary to print these at length.

WIGTON PAPERS.

I. INSTRUCTIONS TO JOHN LORD FLEMING, ENVOY TO FRANCE. 1520.

Followis it that my Lord Flemyng hes to felaw to the King of France ;

That the Lordis of Scotland ar deliberit that, and my lord governour be nocht in Scotland or mydfymmer, to tak ane oder, and to declaire him inabyl evir to cum to the crowne of Scotland be na maniere, and to debar him thayrfra, and to put the king in justice, and do al thingis in his name and his oder governouris, as fal be thocht expedient : and that he hes charge to declair him this, and to hald his prolongation and defferance for na fay ; and that thai wil mary the erl of Angous douchter and the lord Hamiltoun son : and gyf he beis declarit inabyl to the croun, it is alluterly the king of Ingland intention that thayrthrou he may gar the king of France tyn Scotland ; and gyf he gangis now in Scotland quhen thai ar all aggreyit, it may be starkly : and thayrfor at the kingis

plefyr be to accord him the paiement of fyfty fperis in Scotland, to uphald his estat and fceure keping of his perfone, and to caufe juſtice to be miniftrit and his autorite furthborne.

Item, that the confeil of Scotland is aduifit, that gyf thai have na fickyr tydingis of my lord gouvernour be Monfyeur de Flemyng or the faid day of Vitfonday, thaj wil tak pece witht Ingland as is offerit thame, ſtraytar than the auld and alluterly aganis France; quharfor thai have ellis fend for ane faufconduēt to Ingland for thair ambaffadouris to tret the fammyn.

Item, the King of France may weyl confidere that quhobeit this metyng hald, and that the king of Ingland and hir treyt frendſchip, nevertheles it wil nocht be permanent nor to endure lang, and that the evyl of the tynfel of Scotland ſal pas the gud of it, quhilk he wil tyn alluterly without he fend my faid lord to it withtin the faid tyme, for uderwayis thai wil treyt witht Ingland fickyrly and without ony falte.

Item, that my lord Flemyng lat na man wyt his charge, Aubygnye nor nane oder, bot allanerly Maifter Thomas and Jacques, witht quhilkis he ſal adviſe and tak confeil; and gyf he makkis prefentis that he mak thame to thame that ar about the king and may ſerve, and nocht to oderis.

Item, he man underſtand that my lord gouvernour left the king in gud wyl to Scotland, and that he man perfew and follow his erandis efter his memoriales meykly and be foft wayis,

and be at the kingis dinner and at houris quhan ambassadouris gettis audience : and expressly he may be lickyr of my departing to Scotland in this fyummyr, and that it be accordit in tyme, that or wifsonday he may advertis the lordis of Scotland.

Item, he man schaw and think on the trefy of Rouen to the king and madame, and se gyf thai wil observe it or nocht, and fay thame that and Scotland wald have pleyngeyt and assket secours, thai mycht lauffully, and had nocht bene for the king thai wald have done it, for England hes brokyn, baytht in Monfieur de la Bastye flauchtir and the prier of Coldinghame, quhar thair was abun fyfty Inglisten, and in Pullot takkyng, and mony oderis dayly brekyns incurfions and byrnyngis ; in the quhilkis al, thai have halding thair tung, that thai fuld nocht desple the faid lord the king. And alsa quhow thai have never tane trewis pece nor nane oder thing done bot be the kingis withting wyl and advise, and that gyf he abandounis thame at this metyng and trefy therof, he dois thame gret wrang. And specially to lat my lordis hame ganging in Scotland, considerit the royaume can nocht be reulit nor guidit without my faid lord governour ; and alsa that the king promist under his gret felle to fend my faid lord governour agane, and be mony oder milliue lettres ambassadouris and his messagers to help his lordschip thairto, quhairto he can have e and regard, and to the services thai have done and may and wil do in that cais, and the tynfel he fal have gyf it beis oderwayis and tynis thame.

Item, fal fay to the king that he hes charge under hieaft

paine that [schortlie] he advertis the lordis of Scotland gyf the king wil fend my lord governour [hame agane] or nocht, and his uter mynd thairintil; and that gyf the king differris or denyis [anfuer, he is ordourit] and chargit to gang hame in Scotland, and advertis the lordis before this [incumming] wifsonday, that thai may provide for thamefelf, and proceid thairintil as [may be] expedient, and that it is thre ȝeris feu my lord governour hes bene heyr in [France, and] now the lordis may beyr the burding na langar, and that he is sickyr [my lord] governour wald fayn be in Scotland, and gyf fua war he wald gang agane hes promist the lordis and realme of Scotland thay fal declair him infame, and tak fra him the office, and provide of ane oder.

Item, quhow the king is obligit to inmug [?] my lord governour to gang agane and help him thairto, and that he fuld remane heyr bot ane ȝeir.

Item, he fal fay that Scotland hes never tane pece allyance nor tretyt witht na man, nor ȝit I quhen I was in Scotland, bot at his wyl and plesyr, quhow beit thai mycht have had mony diverse and gret offres, and ȝit many quhilk of force thai man tak now, and he fend me nocht as faid is; and quhowbeit he had tane pece and tretyt without Scotland, and comprehendit thame for thayr defavantaige and domnaige, quhilkis al thai have tholit to have my lord governour agane. And my lord Flemyng may fay as ane gnd Francheman that he is, and fervand to the king of France, nocht as hayffand charge tharof,

that and the king put nocht remeide to fend me as faid is, Scotland wil treyt witht Ingland *and the king will be amangis thayr handis* without fail^{3e}, and that heyrof he is fceur.

Item, he fal fehaw the inconvenientis troubles dangeris and peril that the king and realme of Scotland ar in.

Item, that he findis my lord governouris pallaige to Ronie rycht strange, and that Scotland wil think that the king hes caufit him to gang thayr ; and ficklyk he merueillis of this metyng, and that in the sammyn he have e to the auld lang and trew frendfchip hes bene betuix France and Scotland, and that he tak na new perteis to brek the sammyn, and the skaytht he wil have of the tynfel of Scotland.

Item, that it is foire to Scotland to tak pairt witht Ingland and treyt witht Ingland, and the king fend nocht my lord governour in Scotland, confidering the tendernes of bluyd that is betuix thair kingis, and the advantaige thai wil do to us, and pece and rest we may be in thayrthrowt.

II. PROTEST BY MARGARET QUEEN DOWAGER OF SCOTLAND,
IN THE PROCESS OF DIVORCE AT HER MAJESTY'S INSTANCE
AGAINST ARCHIBALD EARL OF ANGUS. 8 DEC. 1527.

IN DEI NOMINE AMEN : Per hoc prefens publicum
Instrumentum Cunctis pateat evidenter Et fit notum, quod

Anno dominice incarnationis Millefimo quingentesimo vigesimo septimo, Mensis vero Decembris die octava, Indictione decima quinta Pontificatus sanctissimi in Christo patris et domini nostri Domini Clementis divina providencia Pape Septimi Anno quarto, In mei notarii publici et Testium infracriptorum ad hoc vocatorum et rogatorum presencia, Personaliter constituta, Illustrissima et serenissima principissa ac Domina Margareta, Scotie Regina, matura prehabita deliberacione, exposuit quod divorcium Inter suam serenitatem, et Magnificum dominum Archibaldum Angusie Comitem dominum Douglas &c, celebratum fuit in Romana curia, undecimo die mensis Martij ultimo elapsi, Et ob quam plurima Impedimenta, occasione universalis belli in Italia Gallia ac aliis partibus Transmarinis, fatis palam et notorie cognita, Sententia celebracionis hujusmodi divorcii ad partes Injus Regni minime deportari poterit ; Sua Igitur serenitas, uti asseruit, ab omni Jugo maritali libera existit, ac eciam a dicto undecimo die mensis Martij ultimo elapsi extitit. QUAMOBREM Ipsa serenissima et illustrissima principissa ac domina Scotie Regina, omnibus melioribus modo via Jure forma et causa quibus melius et efficacius potuit ac debuit, potestque et debet, Protestabatur solemniter, Et per hoc presens publicum Instrumentum protestatur, quod quicquid alias actum gestum seu attemptatum extitit, A predicto die undecimo martij ultimo elapsi, per Excellentissimum et Illustrissimum principem et dominum Jacobum Scotorum Regem modernum, suum carissimum filium, seu eciam per prefatum Archibaldum Angusie Comitem, aliumve quemcunque eorum nomine A serum, ante deportacionem

hujusmodi fententie ad partes hujus Regni, per prelibatos fereniffimum principem et Angufie Comitem, aut eorum alterum feu quemcunque alium eorum nomine, fieri vel attemptari contigerit, contra honeftatem commodum vel utilitatem fue ferenitatis, Eidem in aliquo non prejudicet Accedente eciam ad hoc ejuſdem ferenitatis confenſu, Cum talis confenſus ut aſeruit non fuit nec erit In hujusmodi actis feu geſtis vel attemptatis fpontanee preſtitas, fed metus cauſa, qui in conſtante virum cadere poteſt: Voluitque Eadem ſua ferenitas hanc ſuam proteſtacionem In forma Juris uberrima fieri et extendi, vimque et effectum talis proteſtacionis fortiri Cum omni ſolemnitate ad hec neceſſaria pariter et cautela. De et ſuper quibus omnibus et ſingulis, prelibata Illuſtriſſima et fereniſſima principiſſa ac domina, A me notario publico ſubſcripto, fue ferenitati fieri peciit unum feu plura publicum vel publica Inſtrumentum vel Inſtrumenta fue ferenitati, Sigillo ac manuali ſubtus roboratis et munitis. Acta fuerunt hec In palacio Regio, Apud Monafterium ſanctę crucis prope [Edinburgh], hora ſeptima poſt merediam vel eocirca, ſub Anno die menſe Indiſtione et pontificatu quibus ſupra; Preſentibus Ibidem honorabilibus et providis viris do de Abirnethy Moravienſis dioceſis preſbitero, et Roberto Spitalę burgenſe de Edinburgh ſanctiandree vocatis pariterque Rogatis.

W. Laing 20/7/19

Et Ego Alexander Turing Arcium Magister, Abirdonenſis dioceliſ preſbiter, ſacra apoſtolica auctōritate notarius publicus, Quia prefate proteſtacioni, nec non predicte ſereniſſime Principiſſe Manualiſ ſubſcripcionis et ſigilli appoſicioni et appenſioni, Ceteriſque premiſſis omnibus et ſingulſ, dum ſic ut premittitur dicerentur agerentur et fierent, unacum pre-nominatiſ teſtibus, perſonaliter Interfui, Eaque omnia et ſingula ſic fieri ſcivi vidi et audivi, ac in notam Recepti, Ideo hoc preſens Inſtrumentum mea propria manu fideliter ſcriptum exinde confeci, Et in hanc publicam formam Redegi ſub meis nomine Signo et ſubſcriptione ſolitiſ et conſuetiſ, In fidele teſtimonium veritatiſ omnium premiſſorum rogatus et requiſitus.

ALEXANDER TURING N. P.

III. THOMAS RANDOLPHE TO LORD ROBERT DUDLEY,
15 JAN. 1563.

I ASSURE your Lordſhip the worſt I intend you is to mary
a Queen: this much with your Lordſhips pardon. I will
now ſee what other pleaſant matter thar is to wryt of then
this, not doubting bot your Lordſhip will think better heirafter
of my doings then yet you can, for the litle hope you have to
bring ſoe great a matter to paſſe. Touching the ſtate of things
heir, yt may pleaſe your Lordſhip to know that the Queen
hath recovered much of her health. The ladies and gentle-

women are all in health and merrie, which your Lordship should have seen if you had been here upon Tuesday, at the great solemnity and royall estate of the Queen of the Beene. Fortune was so favourable to faire Flemmyng that, if shee could have seen to have judged of her vertue and beauty, as blindly shee went to work and chose her at adventure, shee wold fooner have made her a Queen for ever, then for one only day, to exalt her so high and the nixt to leave her in the state shee found her. If Beton had lyked so short a tyme, so worthie a rowme, Flemmyng to her by good right should have given place. Ther lacked only for so noble a hart a worthie realme to endue that which. That day yt was to be seen, by her princely pomp, how fite a match she wold be, wer yee to contend ether with Venus in beauty, Minerva in witt, or Juno in worldly wealth, haveing the two former by nature, and of the third so much as is contained in this realme at her command and free disposition. The treasure of Solomon, I trowe, was not to be compared unto that which that day hanged upon her back. Happy was yt unto this realme that her raigne endured no longer. Two such fights in one state, in foe good accord, I beleeve was never seen, as to behold two worthie Queens posses, without envie, one kingdom both upon a day. I leave the rest unto your Lordship to be judged of. My pen flaggereth, my hand faileth, farther to wryt. Ther praises furmount whatsomever may be thought of them. The Queen of the Been was that day in a gowne of cloath of silver; her head, her neck, her shoulders, the rest of her whole body, so besett with stones, that more in our whole jewell house wer

not to be found. The Queen herself apparelled that day in colours whyt and black, no nether jewell or gold about her that day, bot the ring that I brought her from the Queen's Majestie hanging at her breast, with a lace of whyt and black about her neck. The cheare that day was great. I never found myselfe so happy, nor never so well treated; untill that came unto the poynt that the old Queen herselfe, to shewe her mightie power, contrarie unto the assurance granted me by the younger Queen, drew me into the dance; which part of the play I could with good will have spared unto your Lordship, as much fitter for the purpose, with somewhat else of greater felicity, if I knew how to frame that unto my desire. This ended the joy of ther holy day: from that tyme to this wee have lived as befor. May it please your Lordship that Sir Harry Lord Prefident, that I judge him the worst servant that ever served so fair a Lady as Flemyng his mistres, whose worthienes requireth somtymes to be thought of. I will here most humbly take my leave of your Lordship, wishing your Lordship whatfomever in the world yee most desire in Christ. At Edenbrough the xvth of January 1563.

Your honourable Lordships humble, bounden at command
ever and allwayes to serve,

THO. RANDOLPHE.

I had almost forgotten my cheifest matter. Your Lordship shall be shortly written to, I know not well yet from whom nor how many, in the favour of my Lord Bothwell, whose earnest and continuall sute is to be out of England, wherof I

think ther will come no hurt, for where he is he doth no good nor never will ; whenfomever he be come he shall be the messenger himfelfe, bot befor he be at the court your Lordship shall have further knowledg.

To the Right honourable my very good Lord the Lord Robert Dudley, Mafter of the Queens Majesties horfes, and one of hir Majesties most honourable Counfell.

IV. LORD JOHN HAMILTON TO JOHN LORD FLEMING.

14 JUNE 1567.

MS. A. 9. 7. 24

MY LORD,

Efter maist hartlie commendatioune, Ze fall understand that I refavit ane writtin fra the quenis maistie, daitit at Dunbar the xij of this instant of Junij, that hir grace is reddey to cum fordwart this morning toward Haldingtoun, and therefore desiris me and my freindis to be in redines, quhen it fall pleise hir to charge us to merche fordwart. Heirfoir I haif thocht goid to send this berar, knawing that your lordship fould be togidder this nicht, in to Beggar to knaw your dyet, and thinkis goid, safand better counfell, that we joyne us togidder or we cum to hir Maiestie, baith for your surete and ouris. And we intend quhen we marche, to pass be Pentland-hills or neir therbie, and gif ze please to appoint ony place be that way, we being chargit to cum fordwart, we wald be glad to meit you ther, as ye fall appoint ; and the rest referris to your advertifment with the berar : and la committis your lord-

ship to the proteſtioune of God, this Saturday at vij houris
afoirnoune, the xiiij of Junij 1567,

Your Lordships loving friend at power

JHONE HAMILTON.

To my Lord, my Lord Flemyng and Seref. &c.

V. BOND OF FRIENDSHIP BETWEEN THE CUNINGHAMES AND
THE SEMPILLS.—1609.

Apud Glasgw, vigesimo secundo die mensis Maij,
anno domini millesimo sexcentesimo nono.

The quhilk day in prefens of ane nobill and potent lord,
Johne erll of Wigtoun lord Flemyng &c., Commissioner ap-
poyntit be ordinance of his hienes privie counsell for the cause
and to the effect undirwrittin, and personallie present in the
laich kirk of the said burgh and Citie callit the New Kirk,
comperit ane nobill and potent Lord James Erll of Glencarn
lord Kilmowris &c. togiddir with maistir of
Glencarn his sone, Mr James Conynghame of Mongrenand,
John Conynghame his brother, John Conynghame of Ros,
Alexander Conynghame of Corhill, William Conynghame of
Clonbeith, Patrik Conynghame of Halpland, Williame Con-
ynghame brother to umquhill Conynghame of Hai-
ket, for thame selfis; togiddir with Patrik Maxwell of New-
werk, Alexander Maxwell his brother, Knox of
Ramphurlie, Williame Knox of Selvieland, Gabriell Conyng-
hame brother german to Alexandir Conynghame of Craigains,

and Bartilimo Maxwell, for thame felfis ; Muir
of Rowallan younger, Williame Portarfeild of that ilk,
Alexandir Portarfeild fear thairof his fone, John Portar-
feild brother to the faid Williame, for thame felfis ; the faid
nobill lord his fone, freindis dependarris and partaikeris upone
the ane pairt : Ane nobill lord lord Robert lord Sempill,

Maiftir of Sempill his fone, Williame Sempill
of Fulwood, Mathew Sempill his fathir brothir, Williame
Sempill of Brintschelis, James Sempill his brothir, Adame
Quhytefurd of that ilk, Ralftonn of that ilk ;

the faid nobill lord, his fone, freindis, dependarris and parta-
keris on the uthir pairt : Quhilkis twa nobill lordis and thair
fonis, for obedience of his Majestie peace and quyetnes in this
his hienes kingdome and realme, first embraced utheris, joynit
handis in taikin of thair unfengeit reconcilioun in all tyme
cuming, and thaireftir athir of the faidis lordis and thair fonis
embraced and refavit utheris freindis respective abovewrittin,
and joynit handis with thame, in takin of thair reconcilioun
and mutuell freindschip in tyme cuming, conforme to his Ma-
jesteis will and pleafour fet down thairanent, and ordinance of
his hienes counsell following thairupone. Subferivit be me
Archibald Heygait, Clerk of the faid burgh and citie, and
clerk nominat and appoyntit be the faid nobill lord, to the pre-
misses done as faid is.

A. HEYGAIT.

VI. KING JAMES VI. TO JOHN EARL OF WIGTON.
13 JUNE 1605.

A handwritten signature in cursive script, reading "James VI". The signature is written in dark ink on a light-colored paper. The letters are fluid and connected, with a prominent flourish at the end of the "VI".

Right trustie and weilbeloved coufeing and counfellour, we greit you weil. Having directed our right trustie coufein and counfellour the Erle of Dounbar thither, for the performance of certaine of our special instructions, gevin unto him both in church matters and in the estate, and being by him certified of your forwardnes at all tymes to advance our services, for which as we doe rainder unto you our most hartie thanks; so we are to desyre you most earnestlye, that as you salbe requyred by the said Erle of Dounbar hereafter, to asist and concurr with him in anie thing belonging to our service, that you will not faile to continew in that former willingnes, whereof he has made so good reporte, and which we fall noway leave unregarded; the particulers of whose employments as we have committed the same to his special trust, so by himself you are to be made acquainted therewith at lenth, whome you fall in all respects credit as our self therein. And noway doubting of your forwardnes and good will, as we intend not to be for-

getfull thereof, we bid you fareweill. At our Mannour of
Grenewich, the xiiij of June 1605.

To our right trusty and welbeloved cofen and counfel-
lour The Earle of Wigton.

VII. KING JAMES VI. TO JOHN EARL OF WIGTON.

24 Nov. 1608.

JAMES R.

Right trusty and welbeloved cofen, wee greete you well.
The reporte made to us by the Commiffioners of the late ge-
nerall affembly of the procedingis therein, and of the greate
zeale and affection kythed in all fortes of people there, for the
advancement of Gods glory, and the fuppreffing of the common
enemy, and also of the happie unity and concorde amongst the
clergy, did give us no small caufe of joy and contentment,
that in this laft age of the worlde, wherein error and fuperfti-
tion abroade had taken fo greate rooting, nevertheles, within
theſe our dominions God hath bene pleaſed to reſerve a hand-
full to him ſelfe, who have never bowed the knee to Baal.
And as wee acknowledge our ſelfe (in dewty to our God)
bound to be a nurſing father to his church, a proteſtour of all
true profeſſours, and a proſequetour of all the enemyes of the
treuth, that ſo they may be eyther reclaimed, or then brought
to that caſe as they may be no more feared, (ſince all thoſe
who are affected to this Romiſh ſuperſtition may juſtly be ſuf-

peçted as daungerous subiectes in the estate) fo for the better countenauncing of the procedinges of the generall assemby, wee have appoynted a convention of the estates of that our kingdome to mete at Edinburgh the xxvj of Januarie nexte, to the entent that such thinges as may farder the advauncement of the gospell, and supprelling of the enemy, may be then treated of advised and concluded, wherein there shall be no want eyther of our good wille power or authority; desiring you hereby to be present thereat, and to utter your loving care and affection to the well of that church. And because wee have appoynted a preceding meeting of some selected oute of every estate, to be at the same place the xxiiij of Januarie before, and having made choice of you for one of that number, wee desire you also both to keepe the time appoynted, and to kyth fill as yee have done heretofore affectioned, to the advancement of the religion presentlie profest, wherein ye shall do us acceptable service; and so wee bid you farewell. From our courte at Newmarkett, the 24 of November 1608.

To our right trusty and welbeloved cofen, The Earle of Wigtoun.

VIII. KING JAMES VI. TO JOHN EARL OF WIGTON.

2 APRIL 1610.

JAMES R.

Right trustie and welbeloved couseing and counfellow, we

greite you weil. Whereas we have appointed a meiting of the church of that kingdome to be at our cittie of Glafgow, the viij of Junij nixt, inregarde of your knowne affection and love to the weil of that church, and of the manie good proofes we have had of your forwardnes alwayes in our fervice, We have thereupon made particuler choice of you, whose prefence wilbe very requifitt at that meiting, not doubting but upon this advertifement both you will addresse your felf thither, and doe thereat no leffe good offices then we expect at your hands, of which we fhall ever be myndfull, and fo bid you right hartely farewell. From our Court at Whitehall, the 2 of Aprile 1610.

IX. KING JAMES VI. TO JOHN EARL OF WIGTON.
18 JULY 1616.

JAMES R.

Righte trustie and righte welbeloved, wee grete you well. Whereas wee have thoughte it requifite to calle a nationall afsemble for hinderance of the encreas of Poperie, which (as wee are credible enformed) hath alreadie taken too deepe roote in the north partes of that our kingdome; wee have made fpecial choife of you to be prefente thereat, as one in whose affection to the advancement of religion and good estate of that cuntrie wee have a fpeciall truste. So willing you to affist our Commiffioner, and give your beste advice in whatfoever fhallbe propounded at the faid meeting, wee bid you farewell. Given at Theobaldes, the 18th of Julie 1616.

To our rycht trustie and weilbelovit the Lord Fleming.

X. THE CHANCELLOR &C. TO JOHN LORD FLEMING.

MARCH 1619.

AFTIR oure verie hairtlie commendationis to your good Lordship : The kingis Maieftie finding it requifite for conciliating obedience to his Maiefties lawis and conftitutionis, that thofe who fittis as law gevairis fould by thair particulair obedience geve good example to utheris, and to thair inferiouris, to do the lyke, and his Maieftie being refolvit to have the communioun reflavit with all dew reverence upon pafhe day now approtcheing, his Maieftie for this effect, by his lettre direct to the haille counfall, has willit thame and everie ane of thame to remaine fill in this burgh, and fuch as are abfent to be writtin for to come heir, and upoun pafhe day to convene at the heich kirk of Edinburgh, and thair to reflave the communioun, efter the maner prefcryvit by the ordoure and actis of the laft generall affembly, affureing thame that fall refufe to do the fame, that they falbe deposite from thair placeis in counfall, as unworthie of the truift quibilk his Maieftie hes reposit in thame, by advanceing thame to fa heich a rowme, as his Maiefties lettre direct to his Counfall mair fullie beiris. And thairfore, according to his Maiefties will and pleafour in this mater, thefe are to requeift and defyre your good Lordship that you fail not, all excuifs fet afyde, to addrefse your felf heir in dew and lauchfull tyme, to the effect your Lordship may be preparit and redy upoun Sunday nixt, to convene with the reft of the Counfall in the kirk foirfaid, and thair to communicat. And

lookeing for your preceis keiping of the tym and place above-writtin, as your Lordship wilbe cairfull to eshew his Maiestes wraith and censure, we committ your Lordship to God. Frome Edinburgh, the day Marche 1619.

Your Lordships verie assured good friendis,

AL. CANCELL^s:

LAUDERDAILL.

BINNING.

Your Lordship fall heirwith reffave a copie of his Maieftes lettre, for your Lordships better informatioun.

To oure verie honnourable good lord, the Lord Fleming.

XI. COMMISSION FOR THE MAINTENANCE OF CHURCH
DISCIPLINE. 21 OCTOBER 1634.

CC 16334

OUR Soverane Lord ordaines ane commissioun to be grantit, under his hienis great feall of the kingdome of Scotland, makeand mentioune that whair diverse complaintes have bene maid to his Maieftie, be the most reverend fatheris in God and the reverend fatheris, the Archbischoppes and bischoppes of the Church of Scotland, upon certaine advocatiounes and suspensiounes grantit be the Lordis of his Maieftes Counsell and Sessioune, at the instance sute of pairteis callit befor the judicatoris of churche discipline; for removing of that inconvenience, and to the effect no wicked sclanddrous nor disobedient perfone pas uncensured and escaip unpunished, his Maieftie, as being supreme judge of all perfones and causses,

afweill civill as ecclesiasticall, within the kingdome and all utheris his Majesties dominioues, heve gevin and grauntit, likeas his Maiestie be the tennor heirof gives and grantis full power and commissioun, to the most reverend fatheris in God and his Majestie trustie counsellouris, the Archbifchope of Sanct Androis primate and metropolitane of Scotland, and the Archbifchope of Glesgow; to his hienes trustie coungis and counsellouris, George Erle of Kynnowll lord hich chancellour, Williame Erle of Mortoun lord hich thefaurer, Thomas Erle of Hadingtoun lord privie seall, James Duik of Lennox, James Marqueis of Hamiltoun, Williame Erle of Marchell, George Erle of Wintoun, John Erle of Kinghorne, Robert Erle of Roxburgh, Alexander Erle of Galloway, John Erle of Annadaill, John Erle of Lauderdaill, William Erle of Drumfreis, William Erle of Queinfberrie, Williame Erle of Stirling, David Erle of Southeske, John Erle of Traquair, John Erle of Weymes, Robert Erle of Ancrum; to the reverent fatheris in God, the Bifchope of Edinburgh, the Bifchope of Galloway, the Bifchope of Dunkeldin, the Bifchope of Aberdein, the Bifchope of Murray, the Bifchope of Ros, the Bifchope of Breichen, the Bifchope of Arguyle, the Bifchope of Cathnis, the Bifchope of the Illes, and the Bifchope of Orknay; his Maiesties trustie coungis and counsellouris George lord Gordoune, Archibald lord Lorne and John lord Erkein; and his hienes trustie coungis Robert lord Dalzell and Robert lord Kirkcudbright; his hienes trustie counsellouris Alexander Master of Elphingstoun, Sir John

Hay of Baro knycht Keiper of his Majefties regiftre, Sir Thomas Hope of Craighall knycht barronet, Sir James Carmichaell of that ilk Juftice clerk, Sir James Galloway Mafter of requiſitis; and to his Maiefties rycht truſtie and weilbeloved Sir Robert Spotifwoode of Donypace knycht Prefident of the Seſſioun, Sir John Scot of Scottiflarvet knycht Direétour of the Chancellarie, Sir Robert Gordoune knycht barronet, Sir John Scrymgeour of Diddope, Sir William Sincklair of Roſlane, Sir Walter Stewart of Minto, Sir John Spottifwoode of Dairfie, Sir John Hamiltoune of Bargeny, Sir Williame Cunyngahame of Capringtoun, Sir Robert Greir of Lage, Sir John Chairteris of Amffeld, Sir William More of Rowallane, Sir John Maxwell of Pook, Sir Williame Douglas of Caveris, Sir Patrik Agnew of Lochnaw ſhirreff of Wigtonne, Sir John M'Dowall of Garthland, Sir James Baillie of Lochaid, Sir John Auchmoutie of Goffuird, Sir Robert Montgomerie younger of Skelmuirle, Sir James Lokhart younger of Lie, Sir Duncane Campbell of Auchinbreke younger, Sir Williame Scott of Harden, Sir Donald M'donald of Slaitt, Sir Robert Innes of Balveny knycht barronet, Sir Thomas Urquhart of Cromertie knycht, Sir John M'Claau of Hereis, John Campbell younger of Calder, Campbell of Ardkynglaſ, Lamond younger of that ilk; and to his Maieſteis weilbelovittis Doétor Andro Bruce deane of St Androes, Mr James Hamiltoune deane of Glegſow, Doétir Alexander Glaidſtaines archdeane of St Androis, Doétir Theodour Hay archdeane of Glegſow, Mr Walter Quhytfuird ſubdeane of Glegſow, Doétir Robert Howie proveſt of the new colledge of St Androis, Doétour George

Mairtyne proveſt of the auld colledge of St Androis, Doct̄or Patrik Panter profeſſor of theologie in the new colledge of St Androis, Doct̄or John Strang principall of the colledge of Glegſgow, Doct̄or John Douglas, Doct̄or David Monro perſone of Kinnewcher, Mr James Ahanna dene of Edinburgh, Mr William Wiſchart perſone of Reſtalrige, Doct̄or John Mitchelfoune miniſter at Brunteilland, Doct̄or George Wiſchart miniſter at Sanct Androis, Doct̄or Henrie Crymgeour miniſter at St Fillanes in Fyffe, Mr Colline Campbell miniſter at Dundie, Doct̄or Robert Barrow profeſſor of theologie in the colledge of new Aberdeen, Mr Williame Annand miniſter at Air, Mr John Tennent perſone of Calder, Mris Andro Ramfay and David Mitchell miniſteris at Edinburgh, Mr James Logane miniſter at Smailhame, Mr George Ahanna miniſter at Torphichen, Mr Williame Maxwell miniſter at Stow, Mr Patrik Durhame dene of Roſs, Mr Thomas M'Kenzie miniſter at Tarbett, Doct̄or James Elliot, Mris Richard Wilkie, John Bell, John Maxwell, and Ezacharie Boyd miniſters at Glegſgow, Mr John Hay perſone of Raynfrew, Mr Williame Briſbaine perſone of Erſkine, Mr Walter Stewarte miniſter at Kirkpatrick, Cambuſkennethe, Mr Michael Wallace miniſter at Kilmarnoke, Mr George Lindſay perſone of , Mr John Lindſay perſone of Carſtaires, Mr Thomas Ramfay miniſter at Drumfreis, Mr John Alexander perſone of Hoddome, Mr George Buchannane perſone of Kirkpatrick juxta, Mr William Bennet perſone of Ancrum, Mr John Maitland perſone of Earlfoune, Mr Abraham Henderfoune miniſter at Quhithorne, Mr Alexander Huneltegin

minifter at Monygeff, Mr James Hamiltonne minifter at Wig-
 toune, Mr James Scott minifter at Temyland, Mr David
 Leitch minifter at Dundrennane, Mr Henrie Guthrie minifter
 at Stirling, Mr Thomas Spittle perfone of Falkirke, Mr Robert
 Boucanquell minifter at Tranent, Mr George Sydferfe minifter
 at Cockburnifpathe, Mr James Bennet minifter at Lawder, Mr
 Alexander Kinneir perfone of Quhytfuird, Mr Murdo M'kein-
 gie perfone of Dingwell, Mr Dougall Campbell minifter at
 Knapdail, Mr Donald M'gilmorifche minifter at Innerrarae,
 Mr Ferquhare Frafer deane of the Illes, Mr Patrik Stewarte
 minifter at Boote ; Conftabill of the Theme, Sir
 Jeerome Lindfay, Sir Henrie Hay, Meffris Robert Nicolfone
 and Thomas Aikinhead commiffaris of Edinburgh, Mr James
 Weymes commiffar of St Androis, Mr James Sandilandis
 commiffar of Aberdein, the commiffaris of Elgin Invernes
 and Rofs prefent and wha fall be for the tyme, Mr Robert
 Murray commiffar of Stirling, Adame Cunyngahame commif-
 far of Drumfreis, the commiffar and proveift of the citie of
 Glasgou, the commiffar and proveift of Wigtoune and Kirk-
 cudbryght, or to anie ane of thame, ane archbifchope or bif-
 chope being ane of the number, to fummond and call befor
 thame, at whenfoever tyme or place it fall pleis thame to ap-
 poynt, all and fundrie perfones within the kingdome of Scot-
 land, and dwelling within the provinceis of St Androis and
 Glegow, that are ayther scandalous in lyffe doctrine or relli-
 gioune, fpeciallie all traffecquaris, interymmeris, recepteris of
 Jefuites or femenarie preiftes, heareris of melle, all excom-
 municated papiftes, recufantis, non-communicantis, all inceftu-

ous or adulterous perſones, all obſcure contemneris of the diſcipline of the church, or for that cauſe excommunicate, all abuſeris of religious perſones and places, and diſturberis of devyne ſervice and thingis therunto belonging, and all blaſphemeris, curſeris and ſweireris ; and not only to call the ſaidis tranſgreſſouris and everie ane of thame, bot lykwyſe any ſpeciall perſones whatſumever within the ſaid kingdome, ſuſpect to be giltye of the ſairſaidis crymes or any of thame, and to try and cognoſce the ſaidis crymes and offences, and iff they fall find any man guyltie and impenitent, to give directioun to the miniſter of the parochine whair the ſaid impenitent perſone remaines, to proceid againes him or hir, and pronunce ſentence of excommunicatioun againes thame, and iff the miniſter diſobey the ſaid directioun, to be ſuspendit, depryvit, incarcerate and puniſcht as they fall think fitt : Attowr with power to thame to puniſche, incarcerate, fyne and conſyne all that fall be found guyltie of the ſaidis crymes and offences, or that fall prove contumacious, or refus to compeir befor thame ; with power lykewyſe to the ſaidis commiſſioneris to call befor thame all miniſteris, preacheris, maſteris of ſcoollis, colledgis and univerſiteis, exerceris and lectoureris, within the ſaid boundis, delait unto thame for preaching or ſpeaking in publict againes any of the concluſiounes of the bypaſt generall aſſemblye, and preſentt ſtait and government of the kingdome and church, particularlie againes the actis concludit in the generall aſſemblye halden at Perth in the monethe of Auguſt 1618 ; and wherin they fall try diſſobeyaris of the ſaidis actis, wrytteris of lybellis, and pamphlettis againes any of the ſaidis

constitutiounes of the churche, the imprinteris of the faidis lybellis or pamphlettis or any uther billis, without his Maiesteis licence and warrand, or the licence of those that fall be authorizit for that be his hienes, to censure and punishe by suspensioune, deprivatione, fyning, committing and incarferatting, according as they fall find the qualitie of their offence to deserve; And also to receive and discufs all appellatioune maid unto tham from any inferior ecclesiasticall judicatoris, and to inhibit the faidis inferior judicatoris to proceed in any caus that they fall judge impertinent, and not to belong to their cognitioune, and to censure the faidis judges quhom they fall find to behave thamselfis partiallie in any caus concerning the foirfaidis; commanding the capitane and leutenent of the gaird, provest and baillies of the burrowes quhair it fall happin the faidis commissioneris to resyde, shirreffis and baillies of regaliteis, to searche, seik, take and apprehend all such delinquentis, and present thame befor the faidis commissioneris, upon the warrand of any fevin of thame, ane archbischope and bischope being ane of the number; commanding lykewyse the capitanes and constables of his hienes castellis and houffes, and the keiperis of priffounes and uther places of firmance, to receive and reteine those that fall be directit unto thame be the faidis commissioneris, upon warrand as said is, as they will ansuer upon their disobedienc and uttermost perrell: Ordayning farder the Lordis of Privie counsell, upon the certificat subscryvit be the faidis commissioneris, or any fevin of thame, ane archbischope or bischope being ane of the number, to direct letters of horning for paying of the fyne impofit be

the saidis commiffioneris, incais of the delinquentis diflobedience or refuifall to compeir quban they are citit befoir thame, off quhilkis letteris and chairges no fufpenfioune nor relaxatioune fall be grauntit, without the teftimonie of ane of the archbifchopes or bifchopes, beiring obedience to the decreit of the commiffione and fatiffactioure of the pairteis: And makis constitutis and ordaines Mr Williame Hay, commiffar clerke of Edinburgh, clerke of the said hich commiffioure during all the dayes of his lyftyme, with power to him to creat deputtis under him, in ather of the saidis twa provinces, requyring the saidis commiffioneris to receive the aithe of the said Mr Williame, for dew adminiftratioune of the said office, with power to thame to appoynt fifeall officiaris, and all utheris memberis of court, and to direēt fummondis and preceptis in his hienes name, for ceiting of quhatfumever pairteis and perfones in any of the foirfaidis caullis, quhilkis praceptis fall be feillit with one of the archbifchope or bifchope feillis, and fufcryvit be the said clerke, with power to fummond witneffis in any of the saidis caullis, under the paine of fourtie poundis money of Scotland; And if the saidis witneffis refuife to compeir, or the saidis pairteis decernit in ane fyne delay to make payment, ordaining the Lordis of Privie counfell to direēt chairges upon the certificat fufcryvit be the saidis commiffioneris, as is above fpecifiet, off the quhilkis fyne the one half fall appertaine to his Maieftie, and the other half to be employit upon the charges quhilkis the saidis commiffioneris fall be forcit to wair out in executig of this present commiffioure, and iff any remainder fall be of the famyne, the famyne fall be beftowit to pious ufes

at the ficht of the faldis commiffioneris, and generallie all and fundrie uther thingis that are neceffarie in the premisses, or may be thought anywayes requifit for his hienes fervice, and according to the intentione of this commiffioun; inhibiting the Lordis of fecret counfell and fellioune to grant any aduocatione from the faldis commiffioneris, in materis of the qualitie foirfald, bot to remitt the tryall and cenfure therof to the faldis commiffioneris: commanding laftlie all his Majefties leidges whom thefe thingis may concerne, to anfwer and obey the faldis commiffioneris, or any fevin of thame, ane archbifchope or bifchope being ane of the number, and ther officiaris and minifteris quhatfumever, under all hieft paine that efter may follow; and ordaines thir presentis to be ane warrand to the Directour of the Chancellarie, for wrytting the famyne to the great feall, and to the Lord Chancellare for appending the feall therto, without farder preceptis to be direct thairupone. Gevin at Hamptoune court, the twentie ane day of October 1634.

XII. COPIE OF THE FIRST PETITIONE ANENT THE SERVICE
BOOK. 1637.

MS 20774, 45 f

For the glory of Chrift Jefus, and prefervatioune of trew religioune, for the honoure of King Charles, and prefervatioune of his native and ancient kingdome.

My Lordis of fecret counfell, unto your Lordships humble meines and fchowes we under fubfcrivers, noblemen, barones,

burgeffes, minifteris and comones, that wheras we ware in all humilitie and quiet manner attending a gracious anfwer of our former fuplicatiounes, againft the fervice booke impofed upon us, and readie to fchow the grit inconveniences which upon the introduçtioune therof muft infchew, we ar, without anie knowne defert, far by our expectatioune, furprized and chaiged by publick proclamatioune to depairt off the toune within twentie four houris thereafter, under paine of rebellionne, by which peremptorie and unufuall chaige, our fears of a more fummur and frike courfe of proceeding in thir matters is augmented, and the courfe of our fuplicatiounes interrupted; wherfor we ar constrained out of the greif of our heart humbly to remonfrat, that wheras the archbifchopes and bifchopes of this realme, being intrufted by his Majestie with the government of the affeiris of the kirke of Scotland, have drawine upe and fett forth, or have caufed beine drawine upe and fet forth, and injoynd upon the fubject, two bookes, in the on wherof, called the book of comone prayer, not onlie ar fowen the feedis of diverfe fuperftitions, idolatrie and falfe doçtreine, contrair to the trew religioune eftableifched in this realme by divers actes of parliament, bot alfo the fervice book of Ingland is fo abufed, efpecialli in the mater about the comunioune, by additions, fupftraçtions, interchanging of wordis and fentences, falffifying of titles, and mifplaceng of colleçts, to the difadvantag of reformatiounne, as the Romifh mafse fubftantiall and manie poyntis maid up therine, (as we offer to inftroct in tyme and place convenient) clofe contrair unto, and forran inverfing of the gracious intentionne of the bliffed reformers

of religioune in England ; in the other book, called canones and constitutiounes for the government of the kirk of Scotland, they have ordained that whosoever fall affirme that the forme of worchip, contained in the booke of commoune prayer, and administertiounes of sacraments, (wherof befor and now we most iustlie complaine) doeth containe onie thing repugnant to the scripturis, or ar corrupt superstitionis, or unlawfull in the service and worchipe of God, fall be excomunicated, and not restoired bot by the bischop of the place, or archbischopes of the provinc, after his repentance and publick revocatioune of this his wicked error, beyde a hundred canones mo, manie of them tending to the reviving and fostering of abolished superstitiones and erroris, and to the overthrow of our kirke discipline establisched by actes of parliament, opening a doore for what farther innovatiounis of religioune they pleise to mak, and stopping the way which law befor did allow unto us, for suppressing of error and supperstitione, and ordaining that wher in anie of the canones ther is no penaltie sett doune expresse, the punishment fall be arbitrary as the bischopes fall think fittest, all which canones wer never sein nor allowed in any generall assemblee, bot ar imposed contrair to ordour of law, appointed in this realme for establisching of matteris ecclesiastik ; unto which two bookes the forsaidis prelati have under trust procured his Majesties royall hand and letteris pattent, for pressing the same upon his loyall subjectis, and yit ar they the contriveris and deviseris of the same, as doeth cleirly apair by the frontispice of the book of common prayer, and ar begune to urge the acceptance of the same, not only by

injunctiounes given in provinciall assemblies, bot also by open proclamatioune and schairges of horneing, wherby we ar driven in such straits as we most ather, by proceffe of excommunicatioune and horning, suffer the ruine of our estates and fortunes, or els by breach of our covenant with God, and forfaikeing the way of true religione, fall under the wrath which unto us is more greivous then deathe. Wherfor we, being perswadit that these ther proceedings ar contrair to our gracious fove-ragain his pious intentioune, who out of his zeall and princle cair of the preservatioune of trew religione establisched in this his ancient kingdome, hes ratified the same in his heighnes parliament anno 1633, and so his Majestie to be heighlie wronged by the saidis prelatis, who have so farre abused ther credit with so good a king as thus to ensnar his subjectis, rent our church, undermin religioune, in doctrine sacramentis and discipline, move discontentis betwixt the Kinge and his subjectis, and discord betwixt subjectis and subjectis, contrair to severall actes of parliament, do, out of bounden deutie to God, our Kinge and native contrey, compleine of these forsaid prelatis, humble craving that this mater may be put to tryall, and thes parties takine ordour with according to the law of the realme, and that thei be not suffered to sett anie more as our judges, untill this cans be tride and desided according to justice: and if this fall seeme to your Lordshipis a matter of heigher importance then you will condiscend unto, befor his Majestie be acquantit therwith, then we humble supplicat that this our greivance and complaint may be fulli represented to his Majestie, that frome the influence of his gracious governement and

justice, thir wronges may be redressed, and we have the happines to enjoy the religioune as it hath bein reformed in this land.

SOTHERLAND, ROTHES, EGLINTOUN, CASLES, HOOME, LOTHIAN, LINDSAY, BOYD, LOUDOUN, MONTGOMRIE, FLEMING, BALMERINO, CRANSTOUNE, DALHOUSE, ZESTER, BURLEY, SINCLAIR, ELCHO, DALZELL &c.; Barones and Gentlemen, 400.

Burghs, EDINBURGH, STIRLING, GLASGOW, AIR, DUMFRICE, COUPER, IRWIN, KIRCADY, DUMBARTANE, LANERK, DUMFERMLING, WIGTOUNE, GINGHORNE, DYSERT, JEDBRUGH, HADDINGTOUNE, NORTHERWICK, SELCHRIG, CULROSSE, KILLCUBRIGHT, DUMBAR.

Ministeris, 120.

XIII. REASONES FOR NOT ABJURING OF EPISCOPACIE. 1639.

That in comanding to sweare the Covenant of 1580 and 1581, his Majestie that then wes and his counfall did not intend the abjuratioun of Episcopacie: Because bot ten yeires befor, viz. in the yeir 1571, ther was ane folemne agriment maid betwixt the comissioneris of his Majesties counfall, and the comissioneris of the generall assemblie of the church, (during the kingis minoritie or without a contrairie ordour from parliament) archbischopis and bischopis fould conveyn,

as befor they did, and that in everie metropolitane and episcopalle feat ther fould be deane and chapter, and the boundis of diocieses fould not be confoundit. Nay ther wes ane exact forme at that tyme sett doune by the severall comissioneris, and regiftrat in the buikis of counfall, for creating of bifchopis efter a protestant maner; towitt, efter a long defyre to the dean and chapter, then a forme of returning of the ellectioun, with a petitioun to the king for his royall assent; then the forme of the royall assent, with comandement of the archbifchopis for consecratioun; then the oth of the new bifchope wes to tak befor his Majestie, to witt that he acknowledged the kingis Majestie supream governour of this realme, alweill in thingis temporall as in the conservatioun and purgatioun of religioun, (which differris in wordis from the Englishe othes of supremacie, bot is in cense the lam) and that he held the bifchoprik and provisiounes therof, under God onlie, of his Majesties crowne &c.; lastlie, ther wes ane forme concludit one for his restitutioun to his temporalities. Now this argument wes in preceis termes confirmed by his Majestie and counfall, in that same self yeir 1581, when that same covenant wes comandit by him to be sworne by the subiectis, so that it cannot be conceived that his Majestie and counfall fould in the sam yeir give order to swear doune it; and no honest man will deny that the subiectis wes bound to swear that covenant in that cense, and no other, which wes agreable to the intentiones which causit it to be sworne.

It is objected that under these wordes "the Popes wicked

hierarchie" Episcopacie is sworne doune. Iff by these wordes they will everthrow Episcopacie, I fie not bot they most be forcit to confes that they have at once abjured both presbiteris and decanes, for the counfall of Trent makis the hierarchie of the kirk to consist of these thrie ordouris, bishopis presbiteris and decanes. Now if under the word hierarchie, Episcopacie be sworne doune, how can the uther two eschape, for it consistes the lyk of thrie, and therfor all thrie most neidis run the same fortune.

Iff they reply that indeid they still retein presbiteris and deacones, bot yitt so onlie as they ar ordainit in the reformed churches; the lyk I replyit for bishops, that they wer ordainit in a forme allowed by reformed churches, as this in substance wes by the churche of England, and in preceis termes by the commissioneris of the kirk of Scotland, ffor it is not probable that in ten yeires peace ther fould be no bishoprik voyd, and so none ordainit according to that forme to the counfall buikis. Nay it is appearandlie plaine that some ar so ordainit [by] the fornamit othe, viz. Johne Archbishope of Sainct Androwes in the year 1572, and James Bishope of Dunkell in the year 1573, as is regifrat in the buikis of counfall, wher perhapes utheris ar recorded too.

Iff they say that the Scotis bishopes most neides be pairtaker of the Popes herarchie, becaus they succedit those, and ressavit imposition of handis from those who believed in obedience to the Pope, I againe replye that ther presbitries ar in

the sam werie caice; for I presume they will not say bot they most neides deryve ther orderis, ather from bifchopis of that obedience, or from presbiteries who wer ordainit by such bifchopis, feing that in the begining of the reformatioun ther wes no uther clergiemmen in these partes. They most tak ther order ather from them or not, for I perswad myself they will not affirme that one presbiter can ordain presbiterium. Nay, as they ar learned men, they fould say that a preist ordainit by the new Romane churche, iff he leave his superstitioun and leive protestant, neidis no more ordination to become a presbiter with us. What then most be the meaneing of those wordis, "that they abjure the Popes wicked hierarchie."

As I conceive, the cense of them is plaine from a precedent claus in that Covenant, viz: "that they abjure the Popes fyve bastard sacramentis;" and yitt I hope they intendit not to suear out ather matrimonie or holie orderis in generall, which yitt ar tuo, as all knowe, reckned by that churche amongest hir fyve, bot onlie they abjure these corruptiones and superstitiones formes, whiche the popishe churche haid annexit to thes devyned institutiounes, and in calling them proper sacramentis.

So when they abjured hir wicked hierarchie, they did not suear out bifchopis, no more then they did presbiteries and decanes, bot they abjured the corruptiones and superstitiones concomitantes, which the Pope had annexed to those holie callings, towitt, amongest manie uther abuses, that bifchopis wer constrained to suear suche ane obedience and dependence one

the Pope, as wes derogatorie to the suppreame power of ther awin native princes, so that it wes almost ane impossible thing to be at once a stout and loyall subiect, and suppose bishops and presbiteris, in this treasonable constitioun; ther wer no doubt in that poynt the Popes wicked hierarchie, as now they may be constitiounes.

All this I had rather urge, because I conceave that the actis of the King and counfall ar the best interpreteris of that Covenant, because it wes fett out by the King and counfall, for *quisque optimus interpres sui*.

XIV. REPORT ON THE ARMY ACCOUNTS. 1641.

Repourt be the Auditouris, anent the proceedour in the generall Commiffar his accomptis at the campe, to the Lordis and utheris of the Committie, att Newcastle, the 12th of Maii 1641.

Pleas your Lordship, according to the commiffioun presentit to us frome the parlement, the 22d day of Marche last-bipast, by the which we ar appointed Auditouris for the generall Commiffar his accomptis at the campe, alswuell in money as proveant for the intertenement of the Scottis armye, wee did meit the said day, and hes proceedit as followes.

And first haveing received from Johne Denholme, keeper

of the accompt of proveant, his accompt of proveant intro-
mettit with be him and utheris subcommiffaris (as he affirmes),
since the armye came in Engleand, which wes upon the 20th
day of August 1640, to the first of Aprile 1641 exclusive, al-
weill the proveant which came frome Scotland by sea allaner-
lie, as that which wes found heir att Newcastle; and haveing
layde and calculat charge and discharge of the said accompt,
and haveing compaired the said discharge with the receiptis
and instructiouns therof, we find the charge of proveant being
converted in money will extend to the fowme of two hund-
reth threfcoir fevin thousand, ane hundreth fourefcoir fyftene
pundis, fyftene schillingis Scottis money.

And the discharge of the same accompt, according to the
quartermasteris and utheris ther receiptis, to the fowme of
two hundreth fyve thousand, fevin hundreth eightene pundis,
sex schillingis two penneis; sua that thair will be resting in
the generall Commiffaris handis, not gevin out to the regi-
mentis preceeding the said first day of Aprile 1641 exclusive, vic-
tuall and proveant conforme to the particularis gevin in heir-
with in ane uther paper, the pryces wherof will extend to the
fowme of threfcoir one thousand, eight hundreth threfcoir nyne
pundis, eighteine schillingis eight penneis, *salvo justo calculo*.

12 May 1641.

The Committie
thinks it fitt that
the Auditouris shall
tak this way pro-
posed, and sic it
done in presence of
the generall Com-
missar.

And seeing your Lordship gave to our consideratioun the
finding out of the way for adding further to the generall
Commiffar his charge, iff any thing be omittit, we think it a
goode and a fitt way to call for the Mayor and Aldermen of

Newcastle, that they may declare iff they knew ony thing wherwith the generall Commiffar and his deputtis hes intromettit, and wherof he hes not gevin the inhabitantis satisfactioun by accompt.

Secoundlie, thair being some articklis in the charge, wherof we could not approve, wee thocht fitt lykwyfe to represent the same to your Lordship, for your Lordships advyce thairintill.

The first wherof is ane artickle of 2564 bollis rye, which is charged in Sir John Marleingis name, bot as we conceive belongis to the Kingis maggazine: thairfore our defyre is that your Lordship will be pleased boithe to prescryve the way how the certane nowmber of bollis may be found out, and to quhome it did belong, for iff it belongis to the Kingis Majestie, it would be prejudice to the estait iff pryce therof war payed to ony uther.

The preceeding way will cleir the nowmber; and it will be tyme to speake of the owneris, quhen it comes to the tyme of payment.

Secoundlye, thair is charged 3281 stone cheife English weicht, intromittit with furth of the Trinitie hous, the just quantitie thairof and to quhome it did belong would be cleired.

Johnne Denholme will cleir this, by telling who delyvered the same to him.

The thrid is anent thre schipis loadneing of rye, extending to 6559 bollis rye, broght to the key, and intromettit with be the generall Commiffar and his deputtis, bot no manes name sett down as awneris thairof: your Lordship will therefore be pleased to caus cleir the same.

This will be cleired betwixt the awneris thairof and the generall Commissarie.

The way to be taken in the first article will cleir this.

The fourth is thair being some oattis takin out of the feveral houffes, not delyvered be any, we defyre this may be cleired as the former.

Memorandum.

Item, Johnne Denholme muft be chaired withe the buttis come frome Engleand, and with the cloath and fchoes from Scotland, ffor as yit he hes not chaired himfelf withe ony of thame to us.

It is neccesar the auditouris sic this done, and the comptis maid conforme.

Wee think it neccesar the Scottis and Engleifche meafour be brokin, to the effect the difference betwixt thame be knowin, in refpect thair is mutche victuall come from Scotland and delyvered thair be the Scottis meafour, and is gevin out heir by the Engleifche meafour.

The lyke for this.

Sicklyke anent the meill which is received by the generall Commiffar and his deputtis by the Scottis meafour, and gevin out heir by weight: it would therefore be knowin how many Engleifche pound weight is in a Scottis boll.

James Sword will delyver this.

The entrie of all fchipsis come frome Scotland would be feene, to the effect the juft quantitie of all proveant come frome thence may be knawin.

The regiment accomptis with the Commiffar muft of neccellitie be maid with all diligence, for cleiring of the accomptis of money and proveant, untill whiche tyme they cannot be fo cleir as we could wifche.

LYKWYSE we, having takin in frome Williame Thomefene upoun the 21st of Aprile lastbypast, the generall Commiffar his accompt off his hail charge and dischaige of moneyes intromettit with and gevin out be him, since the acceptatioun of his office of generall Commiffar upoun him, to the first day of May instant exclusive, and haveing layde and calculat charge and dischaige of the said accompt, and haveing compaired the said dischaige with the receaptis and instructiouns thairof, wee find the charge of money intromettit with be the generall Commiffar, to the said first day of Maii instant exclusive, will extend to the fowme of fourtene hundreth fourtie two thousand, foure hundreth threfcoir ten pundis, eight penneis Scottis.

And the dischaige of the same accompt, according to the quartermaster and utheris thair receaptis, to the fowme of fourtene hundreth fourtie sex thousand, threfcoir fevin pund, sextene schillingis nyne penneis.

Sua that we find (charge and dischaige of the said accompt being compaired and ballanced) the generall Commiffar will be superexpended, in the fowme of thre thousand, fyve hundreth fourefcoir feevintene pundis, sextene schillingis ane pennye money, *salvo justo calculo*.

And what doubtis hath arryfin to us in the progres of the said accompt, and whairin we defyre your Lordships advyce, we have sett down as followis.

This is very necessar, and the Auditouris must put everie man who had charge to doe this.

First, wee think it necessar that thair be ane particular accompt, alsweel of the hail schiep and nolt which came frome Scotland and did furneische the armye upoun thair marche, as of those which wes received in England in pairt of payment of the cefs, and whairwith the generall Commiffar and his deputtis must charge thamefelffis in the accomptis, whilk is not as yit done, bot standis as ane artickle of discharge in Williame Thomefone his accompt, ammounting to a great sowme.

This must be done in Scotland, and the Committie at Edinburgh written for this effect.

Quhairas we find upoun the charge of Williame Thomefone his accompt certane fowmes of money sent to Scotland, it would be knowin who hes received the same, and how it wes deburfed.

Johane Denholme most doe this, as most necessar.

Wee find it necessar that thair be ane perfyte accompt debitour and creditour, alsweel of all the victuall boght heir frome Scottis merchandis, as sent frome Scotland, to the effect it may be knawin what is dew to everie man, and what he hes received thairfore, ather in hail or in pairt, and sicklyke that it may be knawin what wes boght frome particular men, or delyvered in, ather for the tenth and twentie penneis, or for fynes, or ony uther way concerning the public.

The lyke particular accompt of debtour and creditour would be keipit for the toun of Newcastle.

The Committie at Edinburgh must be advertesed heir-of, and also mutche done heir as can be.

The hail subcommiffaris boith heir and in Scotland, who ar charged with money in Williame Thomefones discharge, must be called to ane accompt, to the effect it may be knawin

how and for what caus the famyn hes bene gevin furth be thame.

And becaus the said subcommiffaris accomptis, and findrie particularis in Williame Thomefones difcharge, will fo mix in the accomptis to be fitted heir and at Edinburgh, it is neccessar that the Committie heir adverteis the Committie and auditouris at Edinburgh, that they doe not finallie conclude ony commiffarie or regiment accomptis thair, untill the accomptis heir and thair be compaired togidder. This shall be done.

We defyre to know iff your Lordship will allowe the fowme of 755 pundis Scottis, gevin out be Tobias Knollis upoun chairges, and to tuo curettis.

The lyke we defyre concerneing Mr Williame Hamilton, anent the fowme of 807 pundis, 6 shillingis Scottis, alledgit gevin out be him, in chairges for ingaddinger some of the clairgie rentis, and for ane horfe to himselff.

XV. INSTRUCTIONS FOR THE EARL OF ARGYLE. 1643-4.

1. 20774 / 42

Instruſtiounes for the Earle of Argyll, and remanent noblemen adjoynd in the commiffiounne gevin to thame.

1. For defence of religioune croune and countrie from that hofill inuafioune, threatened both by fea and land alfeweill

from England as Ireland, and for suppressing of intestine enemies, and for havinge ane reserve to be a recroo to the armie at the bordouris, it is necessar that thair be considerable forces draiue togidder to a heade, who may be in readines to the effect foirfaid.

2. That for this end the Earle of Argyll, with advyfe and concurrence of the remanent nobilmen joyned in commiffioun, would draue out of the sherefdom of Argyll, and uther pairtis within the boundis of thair commiffioun, as may best consist with the defence of the countrie, especiallie from the hielands and shyres nixt adjacent to Stirling, sic forces as can be gottine, with the best armes they have of all fortis, to make upe ane considerable armie, who may upone all occasiounes be readie to resist all forreyne invalioun, suppress all intestine infurrectioun, and obviat whatever hostill dangeris fall occurre in anie pairt of the kingdome, as they fall find requisite, or fall get ordour from the general or Committie at Edinburgh.

3. That they sie the instructiounes sent from the Committie at Edinburgh, and the generall, anent the haifling out of the fourt man to the armie at the bordouris, with the tuo pairt of the horsemen able to carie armes, of the noblemen, gentilmen and yeomens, with pistollis, carabines, hagbuttis, or with launces, jacks and steill bonnetis, or anie uther armes whatfoevir usefull for horse, haiftet furth to that armie of the borderis also; and in causing all betuixt 60 and 16 be in readines to come furth, and marche with the best armes they can have of all fortis,

whenevir they falbe advertifed, with ane monethis provifionne of victuallis neceffar for thair intertainment, and to fie thefe instructiounes, with all utheris that fall come from the generall or the Committie at Edinburgh, or which they thamefelffis fall find neceffar upon anie occasiounne arryfyng within the countrie, put to dew executiounne.

4. That they have power and oucht to tak ordour with anie who fall diflobey and negleēt the instructiounes and ordouris prescryvit be the generall, or the Committie at Edinburgh, with power lykwayes to the said Earle of Argyll and commiffioneris foirfaidis to use all possible diligence and lawfull means, for provyding armis and amonitiounne requifite.

5. As als with power to thame to appoynt commiffaris ane or mae, with consent and advyfe of the generall commiffaris, (to quhom they falbe countable) for gathering in of victuallis out of fuch partis of the countrie whair the fame may be hade, to Stirling, or anie uther places fall be found fitteft, for provifionne to thefe forcis, which is to be done on the publict charge of the kingdome.

Lastlie, with power to the said Earle of Argyll, and the noblemen adjoynd with him in the said commiffiounne, to doe all and whatfomevir may conduce for the defence of the kingdome, they being allwayes anfwerverable to the generall and Estates of the kingdome.

1-207245
 XVI. PROCURATORY BY SIR GEORGE STIRLING OF KEIR.
 13 JULY 1641.

I, Sir George Sterling of Keir, doe heirby give full power and expresse warrant to ane noble lord Johne lord Fleming, to compeir before the honorable Estates of this kingdome, when they shall be conveyned in parliament, upon Thursday nixt the day of this instant, and when they shall be fette downe in plain parliament, to present in my name a supplication, which his Lordship shall desire the president to caus reade and answer; as wittnesses thir presents, written and subscribed with my hand, at the Castel of Edenburgh, 13th of Julie 1641.

G. KEIR.

207247
 XVII. INSTRUCTIONS OF SIR GEORGE STIRLING OF KEIR
 TO JOHN EARL OF WIGTON. 1641.

1. When the Estates are conveyned and fete downe in plain parliament, your Lordship wil be pleafed with all dew respect to present to the president of Parliament, this supplication from me.

2. Befoir ever they fall upon prorogating the Parliament, ye shall desire in my name that my supplication may be read, and answered be the Parliament.

3. If the president and others wold put it by, and urge that the Parliament may first be prorogate, desire the president that presentlie it may ather be hard or refused by the Parliament it selfe, and creave him to aske the voices for that effect.

4. If ather they refuse to let voices be gathered, or if it be voiced, and be ther voices they wold cast it off, or remitte it bake to the committie; in ather of these caises your Lordship shall desire that my supplication (with all that hes bein desired by you in my name) may be recorded, and PROTEST that, in regaird I had humblie creaved a hearing in Parliament for cleiring ourselfes, and justifieng our actions in all time coming, we may be repute frie of the foule asperctions that this while hes bein undeservedlie casten upon us, and that the Parliaments not hearing us at this time is a tacite aknowledging that nothing can be laid to our charge.

Then give the supplication and a copie of this protestation to the clerke, both which you shall desire to be recorded, and therupon aske instruments.

For doeing wherof, as this shall be your Lordships warrant, so shall I be

your humble fervant

G. KEIR.

2074-80
 XVIII. MONTROISE SPEITCHE TO THE PARLIAMENT. 1641.

At first entrie, (ester low curtacie) the precident demandit my Lord what he haid to fay? My Lord answered, I have no further nor what I have alreadie humblie repreſented by my ſupplicatioune, and am in all humilitie to expect your Lordſhipis pleaſouris in quhat I ſhall be commandit. Efter whitche the precident deſyred him to remove, and he ſuld know the Parliamentis pleaſour.

Being againe callit, the precident did aſk of new if he haid any thing to repreſent to the Parliament? Montroife answered as of befoir, that he did in all humilitie onlie expect thair Lordſhipis pleaſour. And againe preſſing him if he haid any further to fay, answerit, Not; onlie am hairtilie forie that it ſuld be my miſſfortoun to ſchow myſelf in this condition, for as it hes been far from my intentionn to fail in my dewtie to the publiſt, ſo wes it als natche from my thocht to appeir heir in thir termes. That whair futche as haid been declared enimies to thair religionne and libertie wer ather to relſave juſt cenſure, or mak dew acknowledgement, I ſuld be holdin to find myſelf as on within futche a predicament, ffor what I have done is knowin to a great meany, and what I have done amifs is unknawin to myſelf. Howſoevir as treuth did not feik corneris, it neideth no faivour; neather will I trouble your Lordſhipis with longer difcourſe, bot reſulatlíe relay upoun

my awin innoſencie and your Lordſhips juſtice, and ſtill in all humilitie attend your Lordſhips further pleaſuer.

Being againe removed and thairefter called, the preſident did aſk as of befor, My Lord have ye any thing whitche I may repreſent to the Parliament? Montroife anſwered, Onlie what I have already humblie repreſented, whitche with all patience I am to expect your Lordſhips reſolutiones in. With all I am confident it ſuld not be neceſſarie for me humblie to beg your Lordſhips will be pleaſit to referve me ane ear, ffor I aſſure my ſelf juſtice, both and your Lordſhips wiſdomes did inſinuat moir ſtronglie ſo mutche nor I could expreſ it, ſo I wald onlie in all humilitie expect your Lordſhips commandementis. My reſolution is to cary along fidelity and honour to the grave; and therfor hairtallie wiſ that I may be putt to all that is poſſibill to queſtioun me upoun, and ather fall I give your Lordſhips all full and humble content, or utherweyis not onlie not deprecat, bot petition all the moſt condigne cenſure that your Lordſhips ſhall think futtabill to ſo mutche demereitt.

27th Julii 1641.

XIX. PROTEST BY MONTROSE, NAPIER AND OTHERS. 1641.

MS. 207. 16. 2. 169

The Proteſtatione of James Erle of Montroſe, Archibald Lord Nepar, Sir George Stirling of Keir, and Sir Archibald Stewart of Blackball.

WHAIRAS, notwithstanding our many and zealous indeavouris

for the publick, and the religione and liberties of our countrie, with the hazard of our persones and our great charges and expensses, it was our misfortoun, when others wer rewarded and remunerated, to meit first with ane hard opinionone and mil-constructione of our actiounes, as tending to divisione and practiqueing againest our countrie, wheroff God knowes wee never harboured the lest thought; and after wee had suffered in our names, (which to men of honour of all suffrings is the most griveous) wee was imprisoned in the castle of Edinburgh in Junii 1641, and suffered in our persones, being detained thair be the space of 6 monethis, and the first sex weekis of our imprisonment, being keiped so as if wee had been guiltie off the highest pointis of treason, our freindis not being allowed to have acceffe to us, and dureing the whole tyme of our imprisonment being sequestrat in severall rowmes, and evrie on of us denying the feing and enjoying of otheris, notwithstanding our mutuall tyes and entresses. Nevertheles wee conceived that the course takin againes us be the commitie of Estates, albeit verie infrequent the tyme of our committing, the most pairt of the peires of the countrie being absent at the camp, was out of a tender zeale to the publick, with all humilitie and patience acquiesced to the famyne, and comforted ourselves with the expectatioune of a Parliament, being confident to vindicat our actiounes from all asperSIONES and prejudices in that hie court. Yet such still was the tenour of our misfortoun, that before wee was hard to cleire ourselves to the Estates, of the hard impressiONE they had received againes us, the old jealousies was fomented, and new prejudices againest us and our

a^ctiones bred and infilled in the eares and heartes of the whole Eftates, and diftilled from that honourable bodie throw the haill countrie, upon the occafione of drawin up of voluminous dittayes againes us, and the publi^ct reading theirott in face of Parliament, which contained a rhapsodie of manie hynous crymes. And in the affumptione painting furth our a^ctiones with the fouleſt coloures, and all poſſible aggravationes, and affumeing againeſt us the odious crymes of perjurie, lying, treafone and others, and in the conclufione being writen with blood, and inferring the hieft paines of infamie, forfealtour of lyff lands and goods, wee had juſt reaſone to apprehend that the firſt impreſſiones, which ar ever moſt firme, (being ſtronglie rooted in maner foirſaid) could hardlie be gottin out of the minds of men : yet ſuch was our confidence of our innocencie, that wee frequentlie petitioned to be hard before the honourable Eftates, and undoubtedlie might have expected from their goodnes and jullice a full heiring and tryall, if that lie court had not bein takin up with buſſines of greateſt moment, and in end his Majeſtie had not bein forced to returne to ſettle his royal affaires in his other dominiones, to our unſpeakable greiff, in regard our honour lay fill branded with theſe foull and publi^ct aſperſiones. Nevertheleſſe wee was ſtill hopefull, and promiſed the happines of a publi^ct and ſpeedie tryall, in regard the Eftates had appointed a committie for our tryall, and recommended to the commiſſioneris to proceid with all diligence, and had limitat our proceſſe and tryall to endure till the firſt of Merch, that wee ſould be no longer in ſuſpence ; and theirfore as wee have patientlie longed for our tryall, wee have contri-

buted all that was in our power for accelerating the same, and so farr as being cited to compeir before the committie the 27th of January last, whereas the first day of the meeting of the committie was the 4th of Januarie. Wee appeared accordingly, and ane day being designed to give in our defences againest the lybell, albeit the tyme was disproportioned to the dittay, being of ane extraordinarie lenth, and the tyme shorter then is ordinarlie allowed for answering the shortest dittayes; onlie I James Erle of Montrose, being necessitat to be absent the day wherinto I was cited be reasone of sicknes, at my appearing the acht day theirafter defyred ane short tyme for answering my dittay, which was more prolix then any of the rest of the dittayes, and gott onlie ane frie day for giveing in my defences, my appearing being on Fryday at night, and Monday being assigned peremptorlie: at which day wee gave in, notwithstanding the shortnes of tyme, our answeris to the haill dittayes, which was given to the procuratours of Estate to be answered be them, and keiped up auchteint dayes before they were given backe with their replyes; which being given to our procuratours to be answered, our duplayes was exped in three dayes, as the minot of the proceffe bearing the dyetis assigned for answering, and the productione of the answeris replyes and duplyes will cleir. During which tyme of the dependance of our proceffe, wee have offred and urged all possible meinis of the tryall of the treuth, and in speciall the confrontatione of Lieutenant Collonel Walter Stewart, upon whois singulare depositiones, being taken before wee was cited and hard, he being be his own confessione guiltie and infamous, our dittay for the most

pairt is founded, being ane weake ground in law for ane inquisitione againest anie of the meifest qualitie, much more for a formall dittay of treafone againest thes of our conditione; since that it appeareth evidentlie from the hail premiffes that wee are not *in mora*, feing the proceffe is clofed in our pairt, and it is not our fault that our proceffe is not ended within the tyme intendit and limited be the Estates. Wee thairfore **PROTEST**, that as wee take God to witnesse that wee ar not confcious to our felves of any base or indirec̄t practife againes the countrie, or of anie of the foule crymes lybellit, so wee have done our outmost indeavouris to vindicat our felves be a public̄t tryall, of the calumnious asperffiones lybellit, both in the tyme of Parliament, be frequent petitiones for hearing, and dureing the dependance of this proceffe before the commitie; and thairfore that it fould not be imputed to us that our tryallis is not finished within the tyme appointed, and that as before God, and in our consciences, wee ar frie of the guilt of the said crymes, so wee may be free in the opinione of the world, and that the lybellung of such crymes againest us, and our imprifonment upon certaine prefumptions and jealousies may have no respect, to intertaine the least prefumptions of guilt againest us, in the memorie of this or future ages. Seing tyme haveing dissipat anie appeirand ground of jealousies which occasioned our imprifonment, wee was enlarged be warrand of the Estates, and during so long dependance of our proceffe before the Parliament and commitie, wee ar not fund guiltie of any of thes crymes wherwith wee ar charged, and in regard be the act of

Parliament the oblifement of our cautioneris is onlie limitat to the firft of Marche, and our tryall is boundit within the faid tyme, wee PROTEST for our felves, and in name and behalff of our cautioneris, that our faid cautioneris be free at the faid day, and that wee may be free of all challenge trouble or queftione heirafter, for the pretendit crymes containit in our feve-rall dittayes refpectiv, and may enjoy alfo abfolute freedome and integritie of our perfonnes, reputatione, dignitie and all other priviledges, as any other fubject of our qualitie within this kingdome, and as if wee had never bein queftioned challenged nor accused: And alfe incafe it fall happin (whilk wee expect) that any point of the faidis lybellis be fund relevant or provin againeft us, wee, being confcious of our own integritie and innocencie, proteft for remaind; and that nevertheleffe wee be holdin in honour, name, fame and eftate in the famyne cafe as wee wer at any tyme before queftione was moved againeft us; be thir prefentis at Edinburgh, the laft day of Februarie 1641, before &c.

XX. KING CHARLES I. TO JOHN EARL OF WIGTON.

20 MARCH 1643.

WIGTON, I have written to you formerlye by Montrofe, requiring your affiftance in thofe things which hee fhould impart unto you concerninge my feruice, which I make noe doubt but you will thoroughlye obey: notwithstanding I have thought fitt to exprefs unto you, in this particular way, the opinion I

have of your power and usefulness to my service, and to encourage you in it by giving you confidence that I am,

Your assured freinde,

CHARLES R.

Oxford this 20 March 1643.

To our right trustie and weil beloved Cousin the Earle of Wigtoun.

XXI. KING CHARLES I. TO JOHN EARL OF WIGTON AND JOHN LORD FLEMING. 21 APRIL 1643.

20774, 839

CHARLES R.

Right trustie and welbeloved Cousin and Councillour, and right trustie and welbeloved, wee greet you well. Since nothing on earth can be more deare unto us than the preservation of the affections of our people, and amongst them none more then of those of our native kingdome, which, as the long and uninterrupted government of us and our predecessors over them doth give us just reasone, in a more neare and speciall maner, to challenge from them, so may they justly expect a particular tendernes from us in every thing which may contribute to their happineffe. But knowing what industrie is used (by scattering feditious pamphlets, and employing privat agents and instruments to give badd impressions of us and our proceedings, and under pretence of a danger to religion and government) to corrupt their fidelities and affections, and to engadge them in ane unjust quarrell against us their King, wee cannot

therefore but remove those jealousies, and secure their feares from all possibilitie of any hazard to either of these from us. Wee have therefore thought fitt to require you to call together your freinds, vassalls, tenents, and such others as have any dependencie upon you, and in our name to shew them our willingnes to give all the assurances they can desire, or wee possibly graunt (if more can be given then already is), of preserving inviolably all those graces and favours which wee have of late graunted to that our kingdome, and that wee doe faithfullie promise never to goe to the contrarie of any thing there established, either in the ecclesiasticall or civil goverment, but that wee will inviolably keip the same, according to the lawes of that our kingdome: and wee doe with God so to blisse our proceedings and posteritie, as wee doe really make gude and performe this promise. Wee hope this will give so full satisfaction to all who shall heare of this our solemne protestation, that no such perones as studies division, or goes about to weaken the confidence betwixt us and our people, and justly deserves the name and punishment of incendiaries, shalbe sheltered from the hand of justice: and all such others as shall endeavour peace and unitie, and obedience to us and our lawes, may expect that protection and encrease of favours from us, which their fidelitie deserves. So expecting your care heirof, wee bid you heartily farewell; from our court at Oxford, the 21st of Aprill 1643.

To our right trustie and right welbeloved Cousin and
Councillour, and to our right trustie and welbeloved,
The Earle of Wigtonne, and to his sone the Lord Fleming.

XXII. COPPIE OF A DECLARATIOUN GIVEN IN BE SOME SCOTES
NOBLEMEN TO THOSE OF BOTH HOUSES AT OXFORD. [1643.]

M. 2572. 91

As it can not be bot that all good men and loyall subiectes ar very much afflicted with the present lamentable and distract-ed estaitt of all his Majesties dominiones, so we that ar his Majesties subiectis off the kingdome off Scotland have great reafone above all otheres to be greived therat : ffor besides the common resentment, that every on borne under his Majestie aught to have of his undeserved sufferinges, and evillis wher-with his kingdomes ar so long afflicted, we must be mor particularlie tuitched for the honour and reputatioun of that our native countrie, that is so deiplie wounded by the pefedious treacharie of some off this unnaturall brood, who's baffe and disloyall procedinges reflect upon the wholl, as if all wer lyk guiltie of the same ; and no marvell that some be mistaken in this point, when they consider that all thair most treasonable aëtion'es ar countenanced with publike authorite, and so may seime to cary along with them approbation of all.

To tak off this prejudice which, in the oppinione of some who ar frangeris to our affaires, may ly upon the generall bodie of our kingdome, sua many of us his Majesties ffaithfull subiectis ar heir present think ourfelves bound, for satiffieing the world, bot especallie the honourable memberes off both Houffes conveynit heir at this tyme, (of whoes justice and wifdome we may expect that they will distingwiffe the ffaëtion'es and

natione, and in all your refutes to mak it apear), to emitt a declaratioun of our judgmentis concerning the proceedinges of thair pretended conventione of Estaittes in Scotland : and since that it may be feine how much we loath and abhour the fame, and ar resolved never to owne any thing that hath iffewed from them as ane act of any lawfull and warrantable judicatorie, we doe therfoir for ourfelves, and in name of all his Majesties faithfull subjeētis off Scotland, that have in haitred and detestatione the said traitourous conventiones with all that have followed thairupon, utterlie renunce and disclaime the said present meitting as presumptuous and illegall, and called for no other end bot to raise ceditiōne and rebellione in that kingdome ; with all committies generall or particular flowing from the same, and all actis ordinances and degries maid and given thairin, and especially that act concerneing that traitourous and damnable Covenant, drawn up and taken betuixt them and the rebellis heir, which we must heartilie detest, and fall never enter thairin by fforce, persuasiōne, or any other respect whatfomever ; as also all actes and orderes authorizing the leiveing of armes, under collar wherof the present rebellious armie thair is gatherit together, which we esteime ane act of high treason, and hold ourfelffes obleidged by vertew of our alledgance, and of that act of passificatione, to oppose and withstand the same. Lykas we faithfullie promise upon our honour, everie ane of us, to leive no meines unatemptit to suppress the said rebellis now in armes against his Majestie and his crowne of England ; from all the faithfull subjeētis wherof, bot especially of the honorable memberis of the tuo Houffes heir convenit,

we will expect such countenance encouragement and assistance, as we may be better enabled thereby to prevail against them and our enemies, and whereby it may be seen that they will not suffer the rebellious on both sides to go before them in this point, who leave nothing undone in so bad a cause to strengthen one another: and because we will take all such of our own countrymen as will not joyne heartily in this our declaration, and in the courses to be taken for the prosecution thereof, for enemies both to his Majesty and us, if for such of them as are his, it were not expedient we should know how to esteem of them, the honourable members of both Houses may be pleased to take it into their consideration or desire, that the honourable members of both Houses his Majesty's convey it would joyne with us in a request to his Majesty, that what Scottish man whatsoever refuse to set his hand to this declaration subscribed by us, may not be permitted to live under his Majesty's protection, but be chased from amongst his Majesty's loyal subjects, as a partaker of affections at least with the odious rebellion of both kingdoms.

XXIII. DECLARATION BY GEORGE MARQUIS OF HUNTLY.

MS 20774 f 512

16 MARCH 1644.

I, GEORGE MARQUIS OF HUNTLY: Whereas the committee of Estates have, without his Majesty's approbation, directed a commission to the Sheriffs of Aberdein and Banff, for seizing upon my persons, houses, rents and goods, contrary not only to the established order of law, which requireth all

men to be legally accused er they be condemned, and to be criminalie condemned er any fuch commiffion be directed againft them, bot alfo reflecting upon the lawfull priviledges of all his Majesties good fubjects of this kingdome, no lefs than the leatt publifhed act for collecting of ane unufuall excyfe, and for enforcing a generall loane of moneyes throughout the cuntry ; and finding fome flop in the hoped for execution of the faid commiffion, by thefe to whome it was intrufted, have now prepared certaine forces from the fouth, whereby to preffe thair delignes againis me, for no other trew caufe bot that I refufe to concur with them in the levie of men and moneyes, for affifting the prefent invafion of England, contraire to my confcience, incompatable with my humble loyaltie towards our gracious Soverane, and fo deftructive to the leatt pacification, folemly ratified be his Majestie and the Parliaments of both kingdomes, as no honeft christian (being of this my opinion) can willinglie condifcend to be fchearer in it. Therfor I the faid George Marquis of Huntlye doe heirby **DECLAIR** and **PROTEST**, that if, in the juft defence of myfelff and frinds from thefe unlawfull violences, or in the repairing of them according to our weak abilities, any acts of hofilitie fhall happen to be committed be us againft our invaders, and thair confederatts and abettors, they may not be imputed to us otherwyfe than as payment of the debts we ow to nature loyaltie and honour, and to which no lower intereffts could enforce us : which being (as I hop) a fufficient evidence to all the world of my fair intentions, for rendering the finceir and humble dewties I ow to religion, to his Majesties honour and

faiftie, and to the lawes and liberties of the kingdome, I humbly intreatt and expectt approbation from all good men in this fo equitable and neceffitatt a caice, withall imploring upon my bended knees fuch heavenlie affiftance from God Almichtie, and fuch earthlie protection from the Kings Majestie againis all enemies to peace and loyaltie, as in thair mercie and justice may feame fitt.

XXIV. DECLARATION BY GEORGE MARQUIS OF HUNTLY.

20 MERCH 1644.

MS. 2074. 95

I, GEORGE MARQUIS OF HUNTLY : Whereas, fince my laft declaration of the 16th of this moneth, the feafing upon the perfons of Patrik Leslie proveft of Aberdeine, Mr Robert Farquhar colleétour for the north parts of the kingdome of the prefent taxatione, impofed upon his Majesties fubjects by the Committie of Eftats, Alexander Jaffrie bailgie, and John Jaiffrie deane of gild of Aberdeine, hath fallen out, and that the intencion of me the faid Marquis of Huntlye, and of my frinds who have beine aétors theirin, may perhaps be mifconceaved be fome who know them not, or mifinterpreted be others who ar difaffected to them, find myfelf oblidged in my owne name, and these who have beine aétours as faid is, heirby to DECLAIR that it hath beine done, fa far from any private end, as that nether particular spleen againft the parteis, or any vanitie in our felffs hath moved us to it, bot onlie in regard that the forfaids perfounes ar too weil knowne to have beine fedulous fomenters of a dangerous ditraction amongft us, by

countenancing and assisting some men, unhappily diverted in their neglect of the duties they owe both to conscience loyalty and nature, and by misapplying others under their jurisdiction from rendering these lawful civilities, which ought to be expected from them, and all for making us obnoxious to the rigours of other men to whose ends they concur, which if they could be effectuated, could not but ruin us, and leave perhaps no great satisfaction for them selves; for preventing of which we have been necessitated to endeavour the removal of such obstacles, as by in our proposed way for maintaining our conscience towards God, our loyalty towards our gracious Sovereign, and our own particular lives and fortunes from destruction. And for verifying that our intentions are only for peace, I the said George Marquis of Huntly, and my friends above specified, do farther declare that, upon assurance given of no violence to be used against us or our adherents, in our persons nor fortunes, for not rendering obedience to any new act, until such time as it shall be ratified in Parliament, not only shall the forsaide persons see upon be restored to their liberties, but we shall likewise be willing and ready to give such securities for our legal and peaceable carriage, as the laws of the kingdom do require.

XXV. HUNTLY'S LAST SPEECH. 22 MARCH 1649.

I am brought hither to undergoe the execution of a decree given against my life, for having spent some little, and indeed too little time thereof, in demonstrating my obedience, and in endeavouring to have done some service to our sacred Sover-

aigne, according to his Majesties just commandes. Sorry am I, and indeede sorry should you be to, that I am not the first that hes suffered in this kynde; but by God's assistance and my owne innocency, that pretended cryme shalbe I hope ane reall comfort to me, for washing of from my imaginatiounes the uglines of death, with these pure streames in relatione to the cause therofe, wheron it flotteth to me. I intreate you so to looke upon this mortall parte that I am broght to act, as that, insteade of being therby affrighted from that obedience to his Majesties commandes, which both divine and humane precepts obledge you to, you may rather be encouraged to stepp towards ane scaffold for that cause, even as it were alse welle ane theater of honour in this world, as indeede it is ane heavenly ladder whereby to mount into that blessed kingdome of eternall lyfe. I doe really acknowledge ane Christian duety now incumbent to me, for acquitting in ane Christian way all persones whatsoever of all things done by thame against me; but withall I may crave your charritable and just constructions touching my present case, and not only my owne conscience, but also the very proesse ledd against me by the contraryers of my death, may be a testimony sufficient for all upright mynded men, that how guilty foever I acknowledge my self to be in other effects of my owne frailty, neither have I offended God Almyghtie, nor violated the lawes of Scotland in doing that which I have beene adjudged to suffer for; which moveth me, without repenting this prejudice of myne, to proffer ane exhortatioune to you not to permitt yourselves to be seduced by erroneous doctrine, nor by the example of what men

foever, for giving that obedience that is due to our sacred So-
 veraigne, that ye will remember how this kingdome bleids and
 fents already, and that ye will nocht bring any more mischiefe
 to it, by your adherents to any illegall or unjust procedor in
 this present kirk or state, which ar both of thame I feare march-
 ing too farre in ane wrong way. I put no doubt but most
 parte of you have these same intentiones that I propofe, where-
 foire I shall only crave in my behalfe the prayers of those amongst
 you that ar of this opinioune, without defyring these of other
 perfounes whose spiritts may perhaps be otherwayes inclyned.

XXVI. LICENCE TO JOHN LORD FLEMING. 1646.

Sanct Andrews, 9th February 1646.

The Committie of procesfes and moneyes do heirby grant
 liberty and warrant unto Johne Lord Fleming, to repair home
 to his owne dwelling houfe, becaufe James Earle of Calander
 is become cautioner for him That he shall appeare befor the
 said Committie of money and procesfes at Lithgow or wher it
 shall happin them to be for the time, upon the eight day of
 March nixt, and for his good behavioure in tyme cuming, under
 the paine of fiftie thousand punds.

XXVII. ACT IN FAVOUR OF JOHN LORD FLEMING.

20774 f 97

Edinburgh, 18th June 1646.

Forfameikle as, by decreit of the Committe of proceses and money, John Lord Fleiming was decerned to pay to the generall Commiffary, or his deputs, for the use of the publiēt, the foume of sex thoufand and four hundreth punds, as an fine impofed upon him for his delinquency, at the termes specifcit in the faid decreit, with declaratioun that three parts of the faid fyne being payed, the faid Committie wold grant deduēt ioun of the fourt part therof, for the faid Johne Lord Fleeming his debt, in refpeēt he then made faith upon the treuth therof, as is given up by him in his inventar, with declaratioun alfo that he fould have deduēt ioun for fuch troupe horfes, foote, dra-gounes and others, conform to the aēt of Parliament, as he bein put furth by him for his delinquency, the famyn being fufficiently inſtrūcted out of the fecund termes payment of the faid fyne : And incaice it fould be fund to exceid the fecund termes payment of his faid fyne, in that caice to be deduced out of the firſt termes payment of his fyne, as the faid decreit of the eight of Aprile laſt beares. And the faid Committe haveing fund (conforme to the accompt therof) als much inſtrūcted given out by the faid John Lord Fleming, for troupe horfes and others mentioned in the accompt therof, as will exhauft the wholl fine abovewritten impofed upon him for his delinquency, doe therfor difcharge the faid Johne Lord Fleeming of the faid fyne, specifcit in the faid decreit of the date abovewritten. *Extractum per me,*

JA : PRYMEROSE.

11. 20734 + 39 XXVIII. RENTAL OF JOHN LORD FLEMING. 1646.

The Lord Fleming his Rentall, given up be him to the
Commiffioure for the proceffes.

Item, he declaires that he hes not the poffeffione of any
lands or teinds of my Lord his fatheres eftate, except onely
twentie chalders victuall payed to him of the eftate and lands
lyand about Bigger, within the fhyre of Cliddifdail, quhilk is
allowed upon him be his father for keiping his purfe and buying
his cloathes, and his father is obliedged, and doeth ftill intertein
and keip him and his lady, their childrein and fervands, in
family with himfelf, and hee doeth not intromett or meddle with
any more of the eftate but the forfaid twenty chaldir victuall.

Item, he declaires he has no cafuall rent at all.

Item, he hes no money awand to him be band or uther-
wayes, either in his own name or ony uthers to his behove.

Item, he hes no moveable goods or geir that can fall under
efcheat.

Item, he declaires that he is provyded be contract of mari-
age to fome of his fathers eftate, bot hes poffeffione of no moir
bot the twenty chalderis victuall above writtine; and for the
rentall of that which he is provyded unto, he declares he can-
not give up the famyne, never haveing had poffeffione therof,
bot ftill remaining in his fathers poffeffione; and to his cer-
taine knowledge, both that whilke be contract he is provydit
unto, and the reft of the eftate, is affectit with great burden
of debts, both really to creditouris and for provifione to chil-

dreine. And for his own estate, he declares that he was put to the charges and expence, and borrowed twenty thousand pound, whilke he bestowed upon and for the publiēt service, be out reicking himself ane colonell at the first two expeditions, be buying of armes and uther neecessre furnitour for his regiment, and was payed out be him to his officeris and regiment at severall tymes, and for his owne paye charges and expensse at Newcastle, in the hailt tyme that the armie lay first ther, he haveing never receaveit any money at all, as will be cleared be the generall Commiffaris compts.

This is by and attour the charges expensse and pay of a garifone of forty fouldieris, with a captaine and lieuetenent lying still in the houfe of Boghall of Bigger, since the fourteinth day of September last, intertaind onely upon his portione and his fathers estate and rent there; and by and attour very great fumes dew for quartering and plundering in and about Bigger and Commernald, in my Lord his fathers lands, since the forsaid forteine day of September, as falbe made good and instructed befor the Committee for losse; all publiēt ordouris being obeyed and monthly maintainance payed, and twenty horfemen of trouperis and dragounners, with forty aucht foot sojouris being out reicked and put furth be my Lords rent and estaite, sufficientlie armed and mounted, since the said fourteine day of September last bypast.

13 horfmen at 320 merks a peice	.	4160 mk :
7 dragouners at 100 lib. a peice	.	1050 //
98 foott sojours for clothes arms and fyftein		
days provisioun at lib. a peice	.	2880 //

XXIX. INFORMATIONE FOR SIR ROBERT SPOTSWOOD. 1647.

He, having bein taken prifoner in the field of Philiphaugh by ane officer of the Earle of Lanerks, of whom he had first quarters given him, and therafter was brocht to the Earle himself, who ratified the same by his humane and curteous cariage toward him, whairby he had reafone to thinke himself secured of his lyf; yet now, beyd his expectatione, being callit in questione therof, he hath recourse to the benefite of quarters, allowed and keiped inviolable in all nations, and by non more then the Englis presentlie in armes against one another, for the same cause it hath devided us in this kingdome; and is confident that the unquestionable law of armes will not be violated in him, that is prifoner to such a nobleman, since other officers of the same armie have brocht off the prifoners they granted at the same tyme, thinking themselves (as they war) engaged in honnore to do the same.

Reasones for granting of Quarters.

1. By the law and received custome of all nations, wher warre is not turned in a dounericht boucherie, ther be *Jura belli* held sacred and inviolable, wherof the mayne one is *captivis parcendum*. This was the law of the Romans Lacedemonians and all other warrlike nations, as is clear from historie and wryters *de jure belli*, in all christiane kingdoms it is and ever hath bein keiped inviolable. Onely in the begining of the warres betwain the Swedes and Ruffians, they wer both

fo full of animositie that they refused quarters to on another, bot it was not long or they found the great inconveniency therof, and were forced to acknowlege the necessity of it. This univerfall law of all nations is founded not onely upon commone equitie, bot upon the speciall equitie of ane expresse pactione wher ane capitulatione is made; ther [is], wher there is no expresse capitulatione, presumed pactione; *nam qui hostem interficit sed capit videtur velli illum vivum habere, et capto est jus ex tacita pollicitatione ne possit postea interfici.*

2. This unhappie warr amongst us being occasioned principallie out of respect to the Englis Parliament, it wold seem that thair example sould be a strong inducement to use the same moderatione towards our prifoners, which they do towards theirs; and it cannot be instanced that ever any prifoner, dureing these warres in England, have bein drawine in queftione of his lyfe for sydeing with either partie.

3. Scripture itself confirmeth this law and practice most clearely, 2 Kings chap. 6, where the Cyrians being strucken blind, and brocht captives by Elifcha the king of Israell within Samaria, the king inquires at the prophet whither he sould smyte them or not, who answered *negative*, Wold thou smyte these whom thou taks captives with thy sword and thy bowin the field? therfor farre les is it lawfull to kill them whom thou hast gottene in thy power by such a stratagem. So both Tremellius and Diodati interprets this passage in their annota-

tions upon it. Secoundlie, The peace and league, which Joshua made with the Gibeonits to let them lieve, was faithfullie observed, though it was obtained by coulinage, and was expresse contrarie to Godis command given in the 7th Deutronomy, that when he fould deliver the inhabitants of Canaane into their hands, they fould make no covenant with them bot destroy them utterly. Thirdlie, In the civill warre betwixt the Israelits and the Benjamites, notwithstanding that it was undertaken by the Israelits for a most just cause, and that they had bein mightily provoked by two great overthrowes they received, yit ther revenge went not further then againes such which they could overtake in the field. The rest that fled to the Rocke Rimmone had faire quarters given them, and accommodatiōe of wyves and uther things, notwithstanding of the oath of the whole congregatiōe to the contrarie. Fourthlie, In the warre betwixt David and Ishbosheth, after Abner and his people wer beaten, thoch in the flicht Abner had killed Afaell, yet upon his demand he and his men had fair quarters from Joab, and wer suffred to go away, being moved by these words, Sall the sword devoir for evir? knowis thou not that it will be bitternes in the latter end? how long fall it be then or thou bid the people returne fra following ther breitherine? These may suffice both the lawfullnes and expediencie of quarters out of Scripture.

4. It hath bein practeised among ourselves hithertill, and exchange hath bein made of diverse persons befor this, so that it might be thocht strange to deny the same now to the pri-

foners in hand, ther haveing bein no publict discharge of quarters in tyme comming intimated befoir.

5. The dangerous consequence wold be confiddered if quarters be denyed to us, ther being a powerfull enemie still affoote in the countrey, whose fortune it may be at sumtyme heirafter to have anie of those that ar against him in his power, the hazard of warre being ambulatorie, as our owne experience may teach us.

Answers to the objections made against quarters.

Objectione 1. However it is the custome to grant quarters when one natione is against another, yit it ocht not to be given to them that ryse against the countrey, as I have done.

Answer. The right of quarters is founded upon the com-mone law of nations and warre, which hath force evrie wher; *jus enim gentium omni humano generi commune est.* Neither is the said law limited to the case of a nationall or forraine, bot hath place *in omni bello*, whither forraine or intestine, and in this with greater reafone then in any uther, becaus ther ar moe and greater tyes of humanitie amongst those who ar ingadged in civil difractione, then betwein forraine enemies; and such ar not called *hostes* bot *adversarii*, for this reafone, *quia in civilibus dissentionibus quamvis sæpe respublica ledatur, non tamen in exitium reipublicæ contenditur*, as the law saith.

Obj. 2. I was not taken *in bello*, bot in ane infurrectione, and so fould not have the benefite of quarters.

Anf. I cannot be said to be taken in ane infurrectione and not *in bello*, feing infurrectione [in the] notion and definition of law is properlie when, in tyme of a happie peace and harmonie betweyn a prince and the collective body of his people, private and factious men, for ther owne ends and delignes, *plebem contra rempublicam colligunt*, as Sheba the sonne of Bichri did agaiust David; bot when ther is a divisone betweyn a prince and his people, it was never heard of that his adherents wer said to have made ane infurrectione agaiust ther countrey. For clearing this point I will not insift upon forraigne histories, that in the civil warrs in France and the Low countries, *omnia jura justii belli* wer keiped, wherof that of quarters was a maine on, bot will desire to be remembred what moderacione hath bein used in tyme of the lyke civill distractions in this kingdom, by our predeceffors durieng the contest King Robert the Bruce had for this crowne. Most part of the nobilitie and countrie syded with King Edward of England, and therfor justlie might have bein said to have taken armes agaiust ther countrey, yet for all this King Robert, haveing taken diverse of them prifoners, *dimisit omnes humaniter habitos*, saith our Buchanan. They who syded with King James III, and wer at the field of Sterling, wer not accompted enemies to the countrie, but, [in] parliament 1. act 3 and 5, James 4, ar said onelie to have bein of another and of ane ill opinione, nether wer ther any uther rigor used agaiust any of them. The like moderacione is to be seyn in the tyme of the troubles under Quein Marie, and the begining of the reigne of King James VI.

Obj. 3. If quarters be sutfained, the whole natione, and efpiciallie the Eftates of parliament, will be guilty of the breach of the Covenant, and of ther oath in parliament anent the profequitione of malignants.

Anf. Though the oathes of Covenant and Parliament obleige the takers to difcover malignants, that they may be brocht to tryall, yet they do not prejudice thofe who ar called in queftione of ther lawfull defences, competent to them by the law of nations, as that of quarters, nether do they obliedg the judges to repell fuch offences. Secoundlie, the praftice of the Eftates, in fome particularl caufes, doth evince that they thinke not themfelves fo limited by the faid oathes; becaus they have befor this condiscendit to the exchange of diverfe prifoners, and have difmiffed others that wer in the like conditione with me, being takin in the field, for which praftices, being foundit upon the law of nations and good confiderationes now I hope will charge the Eftats with perjurie and violatiōe of ther oath.

Obj. 4. By this means impunitie may be granted to delinquents by any private man.

Anf. The queftione is not of impunitie, bot of quarters granted by the law of warre and nations, which was authorized and approven by the Lieutennant Generall the day of confliēt, in fo farre as he gave no command difchargeing quarters to be given in generall, bot onely difcharged any to be given to the Irifhes, which exceptions of the Irifches militates in favour all others not excepted, *quia exceptio format regulam non exceptis*.

Obj. 5. To meit that passage, 2 Kings chap. 6, it is said that it mentioneth a custome of the Kinges of Israell which of it self was not allowable, being reproved by the spirit of God in the cafes of Agage and Benhadad.

Anf. There glosse is contrarie to the expresse words of the text, which containes a questione moved by the king of Israell unto Elifha, whither he should smyte the Syrians or not, and a negative answere made by the prophet, that he should not, fortified with ane argument, they that ar taken in battell should not be killed, *ergo*, far les they that ar come in thy hands by this miracle; which should have been ane ill argument if the antecedent had been foundit upon a bad custome: neither can it be thocht that the prophet wold make use of ane ill custome, to inferre a good conclusion; and that it was not onelie the custome of the kings of Israell to spare captives, bot ane universall and ancient custome of nations, it is evident not onely from innumerable passages of historie in the civill law, but from the 14th Genesis wher those that wer taken by Chedorlaomer wer takine captives, and carried away with Lott.

To that the said custome is reproved in the case of Agage and Benhadad, it is answered, that ther is a great disparitie betuixt ther case and oures, in regaird they wer incapable of quarters, becaus of Gods expresse command to destroy them both, so that ther was ane extraordinarie case of persones by Gods appointment devoted to destructione. In Agage's case it is undeniable, the text is so cleir for it, and even in Benhadad's it is no les cleir, although the command be not so expresse, by the wholl context of that 20 chap. 1 Kings; for the prophet, to convince

Achab for leting go Benhadad, propofeth a fupofed cafe of a man that had brocht to him a prifoner, and faid keip this man, and that upon conditione if by any meanes he fould be milling his life fould be for his ; in which cafe ther was an exprefle charge given to keip the prifoner, and not to let him go, which moft be underftood likewayes in the trew cafe of Benhadad, otherwayes ther fould not be a paritie betwein the tuo cafes. Againe when the prophet told Achab that he had let go a man, whom God had appointit to utter deftruftione, Achab might have had ane eafie fhift and evafione, if Gods will concerning Benhadad had not bein knowen to him, to have faid that he had got no fuch charge from God.

It is hard for us in this conditione that fuch arguments fould be brocht (extraordinary cafes of blafphemous pagans, devoted and anathematized by God) and enforced upon people at fuch tymes and places wher we cannot make answer ; wheras it cannot be evinced, by anie one place of Scripture, that ever any rigor, bot all gentlenes and moderacione was ftill ufed, in tyme of civill diftraftiones, without eftemeing fuch as was not of ther opinione enemies to God and ther contrie. In that civill warr betwein David and the houfe of Saull, when Ithbofheths people wer put to the worfe, Joab did not exhort them that wer with him to purfue eagerly ther adverfaries as Gods enemies, bot bid them returne from following ther bretherine, and David himfelf calleth Ithbofheth (though the head of that factione againft him) a richteous perfone. Likewayes when it pleaft God to fend deliverance to his people, it was not conceived that ther was a neceffitie to divert Gods wrath,

by proceeding in rigor against those that had fallen in their hands, but in the contrary David in that great victory against Abolome, being pressed to that purpose, answered, Shall there any man be put to death in Israel? And Saul after his victory against the Amonites, when the people urged that they should be put to death, who had been against Saul, and said that he should not be king, he answered, There shall not a man be put to death in Israel this day, for to-day the Lord hath wrought salvation in Israel.

Obj. 6. Quarters cannot be granted to me in particular, because I am excepted in the propositions of peace.

Ans. The said propositions are not a positive declaration of my incapacity and exceptions in case of peace, but onely containes the desires of the Estates to the King, which may be altered upon any mutuall condescending betwixt him and them; and the said exception is onely to take effect against such as should be proceeded and condemned, and therefore it is to be understood without prejudice of their lawfull defences, and namelie that of quarters, since by no act of parliament, nor by the said proposition it is declared that they who are excepted should be incapable of quarters, or of the benefite of the law of nations; and that this was not the intentione of the Estates of either kingdom it is constant by their practice, for notwithstanding of the said proposition containing the said exception, some of these who are excepted have been exchanged, as the young Lord of Drumme with us, and Colonel Goring and others in England.

XXX. INSTRUCTIONS TO SIR WILLIAM FLEMYNG.

1 MAY 1648.

1. You ar defyred to represent to the Queene's Majesty, and to the Prince his highnes, the many difficulties and oppositions we have meet with, since the returne of the Scotch Commiffioners from London, in carrying on the ingagement of this kingdome for his Majesties rescue, and from what parties and perfonnes they have proceeded, and upon what pretences.

2. You shall show how notwithstanding all these impediments, by a hearty conjunction of the much greatest part of the nobility, the Commiffioners of shires and borroughs in parliament have voted the breaches of the Covenant and treaties, which ar the ground of our ingagment, and have emitted and comandit to be printed this declaration, the grounds whair of you shall show, and the reasons of the complayance therein, with the defyres of the commiffioners of the Generall Assembly.

3. You shall show how this kingdome is ordered to be put into a posture of armes, collonells apointed, and committies of warre named through the whole shires; and that our demands to the English Parliament conteaned in our declaration ar gone, and dayes limited for the messengers stay at London, and that we ar resolved not to admitt of any treaty upon the demands, but to indeavor to gett a good army together against the tyme the messenger is to returne.

4. You shall show the maner of ceasing Berweack and Carleill, how that we upon that occasion ar resolved this week to give out orders for reasing our army, and in the meane tyme to command the army we have now a foot to draw towards these places, to be rady upon all occasions.

5. You shall represent our most humble and earnest desyres that, feing all may now judge of the certainty of the ingagement of Scotland for the Kings rescue, his highnes the Prince would be pleased to prepare himself with all speed to come to Scotland, according to many assurances we have had of their Majesties and his Highnes gracious inclinations to that journey, which would infinitely advantage the Kings service, and give lyf to all our aëtionés, which otherwayes will meet with exceeding great difficulties, and that we may immediatly be advertised to what place the invitations necessary shall be adressed.

6. You shall show the great necessities we ar driven to for want of money armes and ammunition, and therefore earnestly desyre that what is rady may be immediately sent to Lieth with out any delay, for our army will be together before it can come.

7. You shall show our great want of shiping, wheirin a great streuth of our ennimies consist, theirfor in our name humbly beg of the Quene and Prince that, by their authority and mediation, we may [be] supplied with ships as soone as is possible, from France and Holand especialy, or any other of the Kings friends and allies ; that ships may come to the firth of Lieth, and

in the meane tyme that orders may be sent that our marchants ships be no more troubled with Irish, or any of theirs.

HAMILTON.

LAUDERDAILL.

CRAFURD-LINDSAY.

LANERICK.

ROXBURGHE.

CALANDER.

XXXI. INSTRUCTIONS FROM HER MAJESTY AND HIS HIGHNESS THE PRINCE OF WALES TO SIR WILLIAM FLEMING.
13 JUNE 1648.

1. You shall acquaint the six Lords, from whom you came instructed to us, and such of their freinds as they shall direct you to communicat the same unto, with the great satisfactiō and contentment wee have in their loyall and faithfull proceedings for his Majestie's rescue, as likewise the intire confidence wee repose in them, that notwithstanding the opposition and difficulties they have met with, they will not desist from that their engagement for his Majesties rescue, untill by the blessing of

God on their endeavours, with the assistance of his Majesties loyall subjects in England who shall joyne with them, his Majesty shall be restored to his liberty, regal power and just rights.

2. You shall assure them that wee are much encouraged and confirmed by those their proceedings in our former inclinations, concerning the Prince his repaire to them, to the ends mentioned in their first instruction to you, and that accordingly with all convenient speed hee will remove from hence to Holland, there to receive the invitations and assurances mentioned in your instructions and their letters to us.

3. You shall further advertise them that wee, well weighing the present condition of affaires in the kingdome of Scotland, doe not think fit to make any publick demands concerning those publick assurances mentioned in your letters to the Prince, but shall wholly recommend the same to the care and endeavour of them and their friends, not doubting but the wisdom and good affection of that kingdome will consent to passe such acts as may invite the Prince to them, with honour freedome and safety, and in that quality when hee shall bee in armes with them, as will be most fuitable to his relations in that kingdome.

4. You shall forthwith repaire to Amsterdam, and there shall demand and receive of Mr Webster the armes and amunition provided for you by our order, amounting to the valew of ten thousand pistols returned to him by us for that purpose, and the same you shall with all speed cause to be shipped into such

a vessel of warre, as shall bee appointed by the Prince of Orange to convoy you and it to the frith of Leith, and there you shall deliver the said armes and amunition to such officers as Duke Hamilton, Generall of the Scottish army, shall appoint to take the charge thereof.

5. You shall acquaint the said Lords with the orders which the Prince of Orange shall give to the captaine of such man of warre, whereby they may make use of that opportunity, if they shall see thinke fit, to convoy into Holland such persons as shall bee appointit to bring unto the Prince the said invitations and assurances.

6. You shall further acquaint the said Lords from us, that wee shall employ all our interest with our freinds in Holland and elfewhere, to assist them with shipping for the defence of those seas, as they desire, and if the captaines and mariners of any of the Kings ships shall bee prevailed with to returne to their allegiance, (of which wee have good hopes) they shall be commanded to attend that service, and wee shall particularly direct the Marquis of Ormond, who is forthwith to repaire to Ireland, to endeavour all that possibly hee can to procure the security of the Scotch merchants and their ships from the Irish frigates, as is desired.

Charles I

XXXII. ADDITIONAL INSTRUCTIONS TO SIR WILLIAM FLEMING
FROM HER MAJESTY AND HIS HIGHNESS THE PRINCE OF
WALES. 13 JUNE 1648.

HENRIETTE MARIE.

YOU shall acquaint the six Lords that, though wee are fully satisfied by the account you give us, that the only cause of the inserting into the declaration of the Parliament of Scotland some particulars, differing from the agreement in the Isle of Wight, was the violent opposition of the adverse party, which necessitated them to comply soe farre as might enable them to carry on to perfection their desigine for his Majesties rescue, yet wee desire that it be clearly understood, and agreed to by them :

1. That the intention is not to vary or recede from that agreement, but on the contrary mutually to continue firme and steady to the same, in all the particulars theirot.

2. That all persons of his Majesties party may have liberty to attend the Prince when hee shall bee with them.

3. That hee may bee in full liberty to remove his person to any other parts of his Majesties dominions at his pleasure, when and whither hee shall think fit.

4. That hee may have liberty to consult and advise with, as his counsell, such persons as hee shall think fit to call unto him to that purpose.

5. That his support bee taken into due consideration.

6. That the Covenant bee not pressed upon the Prince, nor any of his company.

7. That whilst the Prince shall reside with the Scottish army in England, hee and his family may enjoy the free liberty of divine worship, in such manner as hee hath binne accustomed unto, and doth here observe.

Theise particulars thus agreed to by them, and such of their freinds as they shall think fit to impart the same unto, out of the entire confidence wee repose in them, wee shall fully rest satisfi'd with such their private engagement to us concerning the same.

CHARLES P.

XXXIII. THE ENGAGERS TO THE QUEEN. 4 AUG. 1648. Ms. 2076. 115

Edinbrugh 4 Aug. 1648.

May it please your Majestie,

Wee are so fencible of the favorable acceptance you are pleased to afforde our labors in his Majesties service, as it may eaven seeme to lessen our loyalties, and folly challenge from us all our endeavours upon your Majesties owne interest; bot haveing those double incitements of loyaltie and gratitude to invite us to pursue our duties to both, certainly Madame wee will sooner perish than ever faile to ather. This affurance your Majestie will more fully receive from the Earle of Lauderdale, who hath been one of the most eminent actors in engaging this kingdome in ther present undertakings for his Majesties rescue and reestablishment, with our humble fence

of all the particulares represented to us from your Majestie by Sir Williame Fleaming, wherein wee have faithfully studied to serve your Majestie, as wee ever shall in all the commands wherwith you shall think fitt to honor,

Madame,

Your Majesties most humble, most obedient, and most faithfull servants,

Guthrie *Calander*
Hamilton Calander

XXXIV. MEMORANDUM OF PRIVATE INSTRUCTIONS FROM
 JAMES EARL OF CALENDAR. 1648.

The Earle of Calander with his friends and followers, who have ever caried ane loyall and affectionat inclination to his Majestie, with out any by respect, did first send Lieutenant Collenel Robert Ker of Itell, and thereafter Mr Androw Ofwald to his Majestie after his parting from Newcastle, to exprefs there affections to his Majesties service, and receive his commands for their cariadge in the future: and thereafter when the Chancelour, Lauderdaill and Lanrick wer sent to his Majestie, Calander, with advice of his friends, did volun-

tarly undertak ane voyage in perfoune, for his former ends of shewing to his Majestie their desyrs to doe him service; at which tyme Calander had the honour to exprefs their desyrs to his Majestie, who gratioously accepted of the fame.

The first aēt then was to mak ane right choyse of Commissioners for the shyers and boroughs of the Parliament, (ane matter of great difficulty and importance, considering the disposition of people and power of the adverse party at that tyme) wherin the caire and paines of Calanders friends had so good successe, that, notwithstanding the labours of great men to the contrary, the Parliament is gotten well constitute of members rightly disposed in the full major part towards his Majesties service, much otherwayes then it hath [been] these seiven years bypast. And whair, through the factious dealing of some great men, double elections were made in many shyres, of persones diversly composed, these were only admitted in Parliament who were knowne to be of strongest affectioun to his Majestie, and the others rejected. That thier be two parties who haif diverse interests, the one who these yeares bygane had the government of the kingdome, both in church and state, and so engaged to the church that, without apparent prejudice to them both, can not devyde, and therfor obliged to ane greater stricknes of combinatione; the other party, strong in thair frindchip in the country, yet secludit from the power of managing publick affairs, as not being acceptable to the church (who had the ower ruling power), did profess lairgly and haith bien active towards the Kings service. Bot Calander and his

friends, joyning to nather pairty, acted so farr as they professed really for his Majesty, out of the dept fensè of their deutie to thair master nixt to religioun, made them felfs so considerable upon the knowledge of the integritie of ther ends, that, by joyning to any of the parties, they were able to cast the ballance ; and thairfore feing one of the parties seriously to endeavour the advancment of the Kings endis, did heartily joyne with them : and these two, being joyned, hath caried all buslines in Parliament, though not so well as they would wisse, yet as well as was possible considering the oppositione of the church and that pairty, and their influence upon the people, who most receive sum satisfactioun, especialy in matteris of religion.

That albeit Calander sent and went to his Majesty, and hath done, and be so constantly resolved to doe good service, yet he hath no cypher from either of their Majesties, wherby they may communicat to him their secrett commandements, therfor to remedie this that ane cypher be sent from the Queene, and sum marke of trust for incuragment.

That the names and actions of these who are of his mynd may be made knowne to the Queene and Prince, and their true fidelity represented, and that Sir William will lett them at his returne, gif their service be acceptable, and gif the Queene and Prince will lay any commandements upon them for their cariadge in the future.

That the Queene and Prince will impaire what is the fur-

theft latitude they will allow, for the Princes suearing and subscrying the Covenant.

That they will lett know their particulare direſtioune who ſhall be Generall of the army, and captaine of the Princes lyfguard.

To ſhow what great projects hath been for obſtructing all buſines, by the proteſtations, declarationes, ſupplicationes from the Commillioners of the church, from all provinciall fynods, and what plottes both for ingaging the barrounes at the meeting of Taylors hall, and through out the country; bot eſpecially to draw the army unto ſome oppoſition, and diſtract the Parlements proceedings. And to ſhow how all theſe are paſſed by, and that of the army removed, and the armie brought to good behavioir and aſſurance, by the wiſdome and travaill of that noble and worthie gentlman Generall Major Middletone, who deſerves that ſpecialy notice ſhould be taken of him, and ane particulare letter written to him by the Queene and Prince.

That it is earneſtly begged that the Prince would be pleaſed to be ready to come to Scotland upon invitation and aſſurance, as ane buſines abſolutely neceſſaire for carrying on the work, whoſe preſence will remove moſt difficulties hier, and encourage all faithfull ſubjects, and discourage the others.

That ane particulare letter be writtin from the Queene and Prince to Calander, and their commands ſent to him, which will ſatiſſie for all his friends and followers.

XXXV. INSTRUCTIONS FOR THE EARLE OF CASSILLS, THE
LAIRD OF BRODDE, AND ALEXANDER JAFREY. 1650.

1. You shall with all possible diligence repaire to the Kings Majestie, deliver our leters, show your commiſſione, and tell the trew reafons of your not fooner coming to his Majestie.

2. You shall show his Majestie, that as this kingdome was not wanting in their faithfull counsell to his royall father, for preventeing the dangers which wer then feared, and have since fallen out to our greatt greife, so did they, with all caire and faithfullness, contribute thaire utmost endeavours for preservatione of their late Sovereigne, as thaire instructions, letters, declarations, and ther commiſſioners papers can witnes.

3. You shall show his Majestie with what unanimity, alacritie, diligence and solemnitie, the Parliament did acknowledge him King of Greatt Brittain, France and Irland.

4. You shall show his Majestie that his fathers oppositione to the Covenant, and worke of reformatione, was the cheife cause of his and the kingdomes troubles.

5. You shall show his Majestie how unacceptable the enemies and oppositts of the Covenant and worke of reformatione are to this kirk and kingdome.

6. You shall communicat to his Majestie the act of the 11th of February instant, as that which contains the necessary satisfaction which is desired and expected from his Majestie, by this kirk and kingdome, for securing religion and the peace of the kingdome, and for gaining not only the outward obedience, but also the inward affection of all his good people to his royall persone, authoritie and government, after so great distractions and troubles, and notwithstanding the appearance and apprehensions of new sturrs and dangers. Lykwayes you shall, by all the good reasons you can think upon, persuade the Kings majestie to give the satisfaction desired, heartily and speedily.

8. If his Majestie upon those grounds resolve to come hither, his Majestie would be pleased to leave all those persones who are excluded by the propositions of both kingdoms, or against whom this kingdome have ever just cause of exception; and declare that in matters civill hee will follow the councell of this Parliament, and such as are or shall be authorized by them, and in matters ecclesiastick the councells of the Generall Assembly, and such as are or shall be authorized by them.

9. You shall deliver our letter to the Queene of Bohæmie, to the Prince of Oringe, and the Princess royall, and you shall desire them to interpose, and make use of thaire assistance to move the King to give satisfaction as is above specified.

10. You shall lykwayes deliver our letter to the Estates of

Holland, and shew them how sensible wee are of their respects to our King, and our desire to entertaine all freindship and amity with them; and you shall both deal with the Prince of Orange and with them, for a safe and honorable convoy to his Majestie to this kingdome.

11. You shall shew his Majestie the great dangers and irreparable losses which must inevitable ensue, upon his delay or refusall of the said desires, for by delayes his enimies will be encouraged and strengthened, and the people be forced to crouch under their burthenes and submit to their yoke, despairing of any meanes of release or deliverance; and then redress will be more difficult, and opportunity once lost cannot be recovered. The neglect of opportunities which were frequently offered, and not taken on by his royall father, as may be evidently instanced, was the cheife cause of his and the kingdomes troubles, and proved sad and fatall at the last; and the sooner his Majestie begins to move that way which may be acceptable to God and man, and offer to settle religione and peace, upon these grounds claime the right of his government, befor democracy or any new modell of government, under the name of agreement of people, or any other maner or device, be settled and take roote, it will be more easie to mainteine monarchicall government, then to repell and cast out any new forme of government, after it is once established and tak roote, and the people habituated therunto. And if now when, by the power and prevalence of sectaries, and the army in England, that kingdome is almost

subdued, and Irland in very greatt distractione, if his Majestie shall refuse to satisfie the desyres of the kingdome of Scotland, especiallie concerning religione and the Covenant, which is the strongest bond to ty the subjects to thair King, it will weaken all who love government and religione in England and Irland, and whollie discourage and disable Scotland to doe for him, and constraîne them in such ane extremitie to resolve upon some effectuall course by the Parliament, to preserve religione and the kingdome from ruine and destructione. And his Majestie granting the foresaid desyres will so far indeare him to this natione, and assure him of thair affectione and duty, as they will not only render to him all that subjectione and deu-tifull obedience, which can be expected from loyall subjects by ther King, but lykwayes to contribute thair utmost endeavours, by all necessary and lawfull meanes, according to the Covenant and dewtie of loyall and faithfull subjects, that his Majestie may be restored to the peaceable possessione of his nther kingdomes, according to his undoubted right of succession. And [as] his Majesties joyneing in Covenant with God and his people, in settling religione, is the surest fundatione of a safe and weall grounded peace, so it will certainly be the best and most effectuall to establish his throne in righteoufnes. You shall concur and be assistant to the Commillioners of the church in pursuance of thair instructions, taking thair advice also in managinge yours, especiallie those thinges relating to religione.

12. If the Kings Majestie be willing to give satisfiacione to

this kingdome, you shall defyre him to recall all commiffions iffued furth for a cting any thing by fea or land, to the prejudice of the Covenant or this kingdome, or to the prejudice of any who doe or shall adhere to the folemne Legue and Covenant and monarchicall government, in any of his uther kingdomes. *Signatur,*

LOWDONE Can. I. P. D.

XXXVI.—INSTRUCTIONS FOR SIR WILLIAM FLEMING.
13 MAY 1650.

Instructions for our trufty and welbeloved fervant Sir William Flemyng, Knyght.

CHARLES R.

1. You shall with all speede repaire to Orkney, or to the place of Scotland where the Marquis of Montrose now is, and shall deliver him our letters both publike and private.

2. You shall let him know that, upon a just confideration of the state of our affaires in particular, and of Christendome in generall, we have been advifed by all our friends, as well in England and Scotland as in all forraigne parts, to make an agreement upon any termes with our subjects of Scotland, as the only probable human means to recover our other kingdomes. We have already endeavoured to procure assistance from the Emperour, and the Ele ctours Princes and States of the Empire, from the Kings of Spaine France and Denmarke,

and most of the Princes and States of Italy, and have obtained nothing but dilatory and generall answeres : and on the other side it is evident that if they were willing to help us, most of their owne present engagements are such that they can doe nothing considerable to our affaires, and the helps they could give us would be of little or no use, without such foundation as this agreement.

3. You shall lett the said Marquis of Montrose know that our affaires have bene, and still are for any thing we know, very unprosperous in Ireland; the jealousies betweene the English and Irish being such as that they will not joyne in a mutuall assistance of one another, and so give the rebels of England an opportunity to destroy them both.

4. That we are the rather likewise invited to this agreement, because it was evident that the Marquis of Montrose his undertaking hath not answered either his or our expectation, neither in the point of time of his being in Scotland, nor in the supplies assistances and numbers of men we expected; which we impute not in the least degree to any default of the said Marquis, bot to other ill accidents that have disappointed those helps he had reason to expect.

5. That we had reason to doubt, that, if the Marquis of Montrose his undertaking had bene as prosperous as we could have desired, and that he were superiour in forces to the present power of Scotland, that it would have occasioned them to

seek assistance from the rebels of England, who would have been very ready to give it, that whilst they fomented a warre in Scotland, they might settle their tyranny in England, subdue Ireland, and reserve Scotland, waisted with the warre, as an easie prey to themselves.

6. These, with many others, have been the motives that have persuaded us to agree with our subjects of Scotland; but you shall assure the said Marquis of Montrose that we hope, upon good grounds, that we shall be able in a little time to make his peace in Scotland, and to restore him to his honour and estate, and that we shall shortly have an honorable employment for him in our service against the rebels of England; and that in the meane time we desire him to be fully assured, that we will provide for his honorable subsistence, and to that end desire him to advertise us by you to what place he will repaire, that we may adjust our correspondencies with him, and make a seasonable provision for his supply.

7. Lastly, you shall assure him that we hold the same value and esteeme of him that we have ever professed, and doubt not but that he will readily comply with our desire of his present laying downe of armes, in regard that the rebels of England, by occasion of this treaty, and believing an agreement will follow, are already upon their march towards Scotland, and it wilbe very prejudicial if not ruinous to us, if they find that kingdome distracted with another warre within it selfe, it being now our interest to draw together the greatest army we

My Lord of Montrose I have sent this bearer Sr
William Fleming expressly to you to informe you
of the state of my affaires and to acquaint you
with the reasons that have induced me to an agree-
ment with my subiects of Scotland. I have likewise
commanded him to lett you know how necessary it is for
my affaires that you lay downe armes according to my
publike letter. you have given me soe many testimonies
of your affection to me and zeale to my service that
you ^{cannot} reasonably doubt of my reall intention to provide
for your interests and restitution with my utmost care
and though I may not be able to effect it for the
present yet I doe not despaire of doing it in a little
tyme nor of having an occasion to imploy you more hono-
rably and more aduantageously then in your present
designe. in the meane tyme I shall be carefull to provide
a subsistence for you, and have accordingly sent order
to Cocheran to pay 10000 Rix dallors to Sr Patricke
Drummond to your use w^{ch} I am confident he will imme-
diately pay having the money in his hands, to w^{ch} I will
make such further addition as shall be necessary. I
pray give credit to what Sr William Fleming shall say
to you from me and then you will be fully assured that
I am
your very affectionate friend

Charles I

Breda the 13th of May 1650

can upon the borders of England, not only to resist the threatened invasion of the rebels, but to take all advantages upon England that may be afforded us by the stirring of our friends there, upon the remove of the rebels army to the north : besides if he should not redily comply, it might bring us into suspicion with our subjects of Scotland, as if we did not proceede candidly and uprightly with them ; but we assure our selfe that these and all other inconveniences will be prevented by the affection and duty to us of the said Marquis of Montrose, and by his magnanimity in bearing this change now, as well as in adventuring soe much before for our service.

Given at Breda, the 13th day of May 1650, in the second yeare of our reigne.

XXXVII. CHARLES II. TO THE MARQUIS OF MONTROSE,
[PRIVATE LETTER.] 13 MAY 1650.

My Lord of Montrose, I have sent this bearer Sir William Flemming expressly to you to informe you of the state of my affaires, and to acquaint you with the reasons that have induced me to an agreement with my subjects of Scotland. I have likewise commanded him to lett you know how necessary it is for my affaires that you lay downe armes, according to my publike letter. You have given me soe many testimonies of your affection to me and zeale to my service, that you cannot reasonably doubt of my reall intention to provide for

your interests and restitution with my utmost care; and though I may not be able to effect it for the present, yet I doe not despaire of doing it in a little tyme, nor of having an occasion to imploy you more honorably and more advantageously then in your present designe. In the meane tyme I shall be carefull to provide a subsistence for you, and have accordingly sent order to Cocheran, to pay 10000 Rixdollers to Sir Patricke Drummond to your use, which I am confident he will immediately pay, having the money in his hands, to which I will make such further addition as shall be necessary. I pray give credit to what Sir William Flemming shall say to you from me, and then you will be fully assured that I am,

Your very affectionate friend,

CHARLES R.

Breda, the $\frac{23}{5}$ of May 1650.

To our right trusty and right entirely beloved cousin,
James Marquis of Montrose.

XXXVIII. CHARLES II. TO THE MARQUIS OF MONTROSE,
[PUBLIC LETTER.] 15 MAY 1650.

CHARLES R.

Right trusty and right entirely beloved cousin, wee greete you well. It hath pleased Almighty God to give such a blessing to this treaty at Breda, that thereby a right understanding and a full agreement is settled between us and our sub-

jects of our ancient kingdome of Scotland. Our will and pleasure therefore is, and we hereby require and command you, not only to forbear all further acts of hostility against any of our subjects of that kingdome, but also immediatly upon the receipt of these our letters to lay downe armes, and to disband and withdraw yourfelfe and your forces out of the same. And because the canon, armes and ammunition, which you received at Gotenberg, may be of great use to our further service, wee therefore require and command you to leave the same in Orkney, if they be yet there ; but if they be transported into Scotland, then to deliver the same to the sherrif of the county where you are, or some other safe person by inventory, to remaine there for our service, and till we shall give further order for the disposing thereof, and for so doing this shall be your warrant. Given at Breda, the $\frac{5}{15}$ day of May 1650.

To our right trusty and right entirely beloved cousin,
James Marquis of Montrose.

XXXIX: [PRIVATE] INSTRUCTIONS FOR SIR WILLIAM
FLEMING. [15] MAY 1650.

MS 20774-138

CHARLES R.

You are to advise with William Moray when you come into Scotland, concerning any further treaty with Montrose in order to our service, then what your publick instructions doe beare.

You are to give Montrofe all perfonall affurances of our conftant affection towards him, and of all thofe advantages in the way of his fortune, which a faithful fervant can expect from a gracious mafter.

You are to affure all that have ferved and fuffered for our deare father, of our thankfull recentment, both of their fervice and fufferings, and of our firme refolution (when God fhall be pleafed by their faithfull indeavours to enable us) to requite every man to the full in his feveral ftation, and you are to defire them to give credit to William Moray, who comes fully instructed in this and other particulares. Given at Breda, May 1650.

XL. CHARLES II. TO THE PARLIAMENT. 18 MAY 1650.

CHARLES R.

Right trusty and right welbeloved coufins and counsellours, right trusty and right welbeloved coufins, right trusty and welbeloved counsellors, and trusty and welbeloved, wee greete you well. Having now given fatisfaction to your Commiffioners, and layd (as wee hope and defire) the foundation of a happy agreement, and perfect understanding between you and us for the time to come, and being refolved to caft our felfe entirely upon the affections of that our ancient kingdome of Scotland, and to endeavour the good and peace thereof in all things, to the uttermoft of our power; wee have given order for the difbanding of thofe forces lately come from Orkney,

and all who have joyned with them, and for their present withdrawing out of the kingdome. And because it much imports both us and the safety of the kingdome, that our command therein should be punctually and immediately obeyed and executed, and that nothing will probably more conduce thereunto, than that a necessary provilion be made for the security of all those that intend to goe away, in their passage out of Scotland after they have layd down armes, and their stay there untill they can goe, and some reasonable and fitt conditions for the rest; wee therefore recommend very particularly unto you, to cause such conditions to be made for them, as shalbe reasonable and necessary to free the kingdome immediately from those troopes, according to our positive and expresse order in that behalfe. Given at Breda, the $\frac{10}{15}$ day of May 1650, in the second yeare of our reigne.

To our right trusty and right welbeloved cousins and counsellours, our right trusty and right welbeloved counsellours, and to our trusty and welbeloved the President and other members of Parliament of our kingdom of Scotland, or to their Committee.

XLI. INSTRUCTIONS FOR SIR WILLIAM FLEMING.

19 MAY 1650.

MS. 20774.5.34

CHARLES R.

1. You shall deliver my letter to my Lord Montrose, and assure him of the continuance of my favor and affection to him.

2. If you find that the prevailing party now in Scotland are not satisfied with the concessions I have granted to them, that then Montrose is not to lay downe armes, or if you find that those people doe only treat with me to make Montrose to lay downe armes, and then they may doe what they please.

3. In case my frinds in Scotland doe not thinke fitt that Montrose lay downe armes, that then as many as can may re-
paire to him.

4. You shall see if Montrose have a considerable number of men, and if he have, you must use your best indeavor to get them not to be disbanded, in which you are to advise with William Murey and whom you shall thinke fitt; but if Montrose be weake, that then he should disband, for it will doe me more harme for a small body to keepe together, then it can doe me good: howsoever, though they are disbanded, ther must be care had that they may not be lost, but intertained in other tropes.

5. You shall as soon as you have dispatched your bufiness, make all the hast to me againe you can posibly. Breda, May the 19th 1650.

XLII. CHARLES II. TO MONTROSE. 19 MAY 1650.

Breda, May 19.

My Lord Montrose, This bearer William Fleming having many things to say to you from me, and he being better able

Breda May 19

My Lord Montrose, This bearer Will: Fleming
having many things to say to you from me and
he being better able to deliver them to you by word
of mouth then I can by letter. I have given him
full instructions to acquainte you with all the
particulars of the treaty. I shall desire you
therefore to give full credite to him, and to me
that I am and ever will be,

Your most affectionate
friend

Charles R

to deliver them to you by word of mouth than I can by letter, I have given him full instructions to acquainte you with all the particulars of the treaty. I shall desire you therefore to give full credite to him, and to me that I am, and ever will be,

Your most affectionate friend,

CHARLES R.

To our right trusty and right welbeloved cousin, James Marquis of Montrose.

XLIII. THE LAST MOMENTS OF MONTROSE. MAY 21. 1650.

MS 23774 f. 189

A note of the severall passages concerning Montrose his carriage after he was brought prisoner to Edinburgh.

The Parliament, being informed that Montrose was apprehendit, and feiring least his countenance and carriage might gaine him some favour among the people, thought fit to give out thair sentence agaynst him befor he cam to Edinburgh; and therefore upon the 17th of May in the morning, they appoyntit a comittie to prepare and give in thair oppinione what was fittest to be done with him. Who that sam fornoone gave in thair report in writ, which was aproven thus; that how soone he fould com to the toune, he fould be mett at the port by the magistratis and hangman; that he fould be tyed with cordis upon a cairt, bar heidit; the hangman fould ryd upon the horse, covered, befor him, and so carrie him throw the toune; that he fould be hanged on a gibbet at the crofs of Edinburgh

till he died, and his historie and declaratione hanged about his neck, and hing thrie houris tharafter [in] the view of the people; ther after he fould be heiddit and quartered, his heid to be fixed at the prifon hous of Edinburgh, and his legis and armis to be fixed at the portis of the townis of Stirline, Glasgou, Perth and Aberdeine; and if he repentet, that the bulk of his boddie fould be burried with pioneris in the Grayfeiris, if not, to be burried in the Boromoore. It is not unworthie of remark that the new Earle of Roxburgh and Mr Cheiflye, who was knightit at the ille of Wight, and got a pensione quhilk he presentlie injoyes for his offeris of servise to the lat king, were two of the committie who projectet this sentence. The reason of this being tyed to the cart was in hope that the people wold have stoned him, and that he might not be able be his handis to fave his face.

Upon the 18th day, about 4 [in] the afternoone, he was broght in at the watter get, whair he was met by the magistratis the gardis and the hangman, the rest of the prifoneris being tyed two be two, going barheiddit befor him. How soone he cam within the port, the Magistratis shou him that order. When he had red it he perceived the cart and the hangman. He said he wold go willinglye to it; he was onlye forrye that throw him his master, whose commiffione he carried, fould be dishonored. Then going cheirfullye on the cart, he, being oncovered, was by the hangman tyed therto by ropis, and the hangman rod covered upon the horfe that drew the cairt: thus was he led to prifone. In all the way ther appeired in him such ma-

jestie, courrag, moditie, and even somewhat more than naturall, that thes common women, who had lost ther husbandis and children in his waris, and who wer hyred to stone him, were upon the sight of him so astonilhed and moved, that thair intendit curle turnd into teares and prayeris, fo as the nixt day all the ministeris preiched agaynst thame for not stoning and revyling him. It is remarkable that, of the many thowfand beholderis, onlye the Laddie Jean Gordon, Countefe of Hadinton, did publicklye insult and laucht at him; which being perceaved by a gentillman in the streit, he cryed up to hir that it becam hir better to sit upon the cart for her adullteries. The Lord Lorne and his new Laddie wer also siting in a balconie, joyfull spectatoris; and the cairt being stopit when it cam befor the ludging wher the Chancelour, Argyle and Warriston sat, that they might have tyme to insult, he suspecing the bussines turned his face towards them, wherupon they presentlye creipt in at the windowes; which being perceaved by ane Englishman, he cryed up, it was no wonder they start azyd at his look, for they durst not look him in the face thir feavin yeiris bygan.

After he was lousit from the cart, he gave the hangman gold, saying, Fellow ther is drink monie for dryving the cairt. It was pass feavine a'clock at nyght befor he was entered into the towbuith, and inmeaditlye the Parliment met, and fend som of ther owine number, and som ministeris to examine him, bot he refused to answer anye thing to them, untill he fould know in what termis they flood with the King; which being reportit to the Parliment, they continued proceeding agaynst him

till Munday, and allowed ther commiffioneris to tell him that the King and they wer agried. He defyred that nyght till he at rest, for he was wearied with a longfom jorney, and he said the compliment they had put upon him that day was fom thing tydeus.

The nixt day, being Sunday, he was constantly atendit be minefteris and parliament men, who still perfeued him with threatning, bot they got no advantage of him. He told them if they thought they had afronted him the day befor by carying him in a cairt, they wer mutch miftakine, for he thoght it the most honourable and joyful jurney that ever he made; God having all the whyle most comfortable manifaftit his prefence till him, and furnifhed him with refolutione to overlook the reproches of men, and to behold him for whois caus he suffered.

Upon Munday fornoone he was broght befor the Parliment, and after that the Chancelour had fnivelled out a long premeditat difcourfe, of his mifcarigis agaynft the firft Covenant and League Covenant, his invaffion and joyning with the Irifh rebelis, and blood guiltines, and that now God had broght him to his juft punifhment, he defyred to know if he might be allowed to fpeik, which being granted, he said, Since you have declared to me that you have aggried with the King, I look upon you as if his Majestie wer fitting amongeft you, and in that relatione I appeare with this reverence bairheiddit. My care hes beine alwayes to walk as becam a good chriftiane, and loyall fubject. I did ingage in the firft

Covenant, and was faithfull to it. When I perceaved som privat persons, under cullor of religione, intend to wring the aucthoritye from the King, and to seafe on it for themselffis, it was thoght fit, for the cleiring of honest men, that a band sould be subscrivit, wherin the securitye of religion was sufficientlie provydit for. For the League, I thank God I was never in it, and so could not break it. How far religione hes been advancit by it, and what sad consequentis followed on it, thir poor distrefed kingdomis can witnesse. When his lat Majestie had, by the blessing of God, almost subdued those rebelis that rose agaynst him in England, and that a factiõne of this kingdom went in to the assistãnce of the rebelis, his Majestie gave commissiõn to me to com into this kingdom, to mak a deversione of thos forcis which wer going from this agaynst him. I acknowledg the comand was most just, and I conceived myfelse bund in conscience and deutie to obeye it. What my carraige was into this country, manye of you may beir wittnese. Diforderis in armes can not be preventet, bot they wer no sooner knowine then punished. Never was any mans blood spilt bot in battall, and even then manie thousand lyes have I preserved, and I dare heir avow, in the presense of God, that never a hair of Scotismans heid that I could save fell to the ground. And as I cam in upon his Majesties war-rand, so upon his letteris did I ly asyd all intrestis and reiteir. And for my comeing at this tyme, it was by his Majesties just commandis, in order to the acceleratig of the treatye betwix him and you, his Majestie knowing that when ever he had endit with you, I was reddie to reiteir upon his call. I may

justlye say that never subject acted upon more honourable groundis, nor be so lawfull power, as I did in these services, and therefore I defyre you to lay asyd prejudice, and consider me as a Christiane, in relatione to the justice of the querall, as a subject, in relatione to my royall maisteris command, and as your nighbour, in relatione to the manie of your lyves I have preserved in battaill; and be not to rash, bot let me be judged by the lawes of God, the lawes of nature and nationis, and the lawes of this land. If other wayes, I doe heir appeal from you to the righteous judge of the world, who one day most be your judge and myne, and who alwayes gives out righteous judgment. This he delivered with futch a gravitie and posednes as was admirable. After this, the Chancler commandit the sentence to be red, which he hard with a sollid and unmoved countenance, and haveing then defyred to speik, the Chancelor stopt him, commandit he sould be presentlye removed. He was no sooner caried bak to prison, bot the minif-teris with their fresh asaultis invadit him, agravattit the terrour of the sentence, wherby to afright him. He said he was mutch beholdine to the Parliment for the honour they put on him, for sayis he, I think it a gretter honor to have my heid standing on the portis of this towne for this quarrell, then to have my picture in the Kingis bed chamber. I am beholdine to you that, least my loyalltie sould be forgottine, ye have appoyntit fyve of your most imminent townis to beir wittnesse of it to posteritie.

His freindis wer not suffered to com neir, and a gaird kept in the chamber befyd him, so as he had no tyme nor place for

his privat devotion, bot in their heiring. Yet it is acknowledged be tham all, that he rested alfe kyndlye these nyghtis, except fomytymes he was at his prayeris, as ever they thamselfis did. The next day, being the 21st, being clothed in a scarlot mandall covered with gold lace, he was broght to the scaffold. He cam alongis the streit with so gret state, and ther appeared in-till his countenance so much beutie and gravitye, as ravished the beholderis, and even manie of his enemies did acknowledge him to be the gallanteft subjeēt in the world. Becaus all his freindis or weillwilleris wer debarred from comeing neir to him, ther was a boy foud to wryt his speich in the scaffold, which is this.

I am forrie this fould be scandalous to anye good Christian : doeth [it] not happine to the righteous acording to the wayis of the wicked, and to the wicked acording to the way of the righteous? Doeth not fomytymes a just mane perish in his rightiounes, and a wicked man prosper in his mallice? They who know me fould not condem me for this : manie gretter than I have beine delt with in this kynd ; yet I most say all Godis judgmentis ar just, for my privat finis. I acknowledge this to be just with God ; I submit my self to him, bot in regard of man I may say I am just. I blame no man ; I complaine of no man : they are instrumentis ; God forgive them ! I forgive them, though they have oppressed the poore, and violentlie perverted judgment and justice : Yet he that is heer then the heest will regard.

What I did in this kingdome was in obedience of the most just comandis of my lawfull Soverane, for his defence in the day

of his distrefe, agaynft thos that did ryfe up agaynft him. I know no thing bot to feir God and honour the King, acording to the commandementis of God, and the lawes of nature and nationis ; and I have not fined agaynft man, bot agaynft God, and with him ther is mercie, which is the ground of my drawing neir unto him.

It is objeēt it agaynft me be manie even good people, that I am under the fenfur of the church. This is not my fault, fince it is not onlie for doing of my deutie, by obeying my Princes moft juft commands, [but] for religione, and his sacred perfone and auctoritie. Yet I am forrie they did excumunicat me, and in that which is according to Godis lawes, without wronging my confcience or aledgience, I defire to be relaxit : if they will not thus doe it, I appeall to God, who is the righteous judge of the world, and who moft now be my judge and Saviour.

It is fpokine of me that I fould blame the King. God forbid ! For the late King, he lived a fanct, and died a martyre : I pray God I may end fo : if ever I would with my foule in another manis fleid, it is in his. For this King, never people was happier of a King. His comandis to me wer moft juft : in nothing that he promiffes will he fail : he dealis juftlie with all men. I pray God he be fo dealt with, that he be not betrayed under truff, as his father was.

I defyr not to be miftakine, as if my caraig at this tyme in relatione to your wayes wer flubbornes of hart. I doe bot follow the light of my owne confcience, which is kendled to the working of the good fpirit of God that is within me. I thank him, I goe now to heavinis throne with joy, and he sufferis

me not to feir the terrouris of death, and furnishes me with confidence and courage to embrace it, even in his ugliest shape. Let God be glorified in my end, though it wer in my damnatione. Yet I say not this out of any feir or distrust, bot out of my dewtie to God and love to his people.

I have no more to say, bot that I desyre your charitie and prayeris: I fall pray for you all. I leive my foull till God, my service to my Prince, my good will to my freindis, and my name and charitie to you all; and thus breiffie I have exonered my conscience.

Being desyred to pray apart, he said, I have already poured out my foull befor the Lord, who knowis my hert, and in whose handis I have commedit my spirit, and he hath beine gracioullie pleased to returne to me ane full assurance of peace in Jesus Christ my Redemer. If ye will not joyne with me in prayer, my réteiring apart will both be scandalous to you and me. Wherfor closing his eyes, and holding his handis, he stood a good space at his inward devotionis, being perceived to be inwardlye moved all the whyll. When he had done, he calis for the executioner and givis him monye. Then having brought unto him, hanging in a cord, his declaratione and historie, to be hanged about his neck, he said, it had pleased his sacred Majestie that now is to mak him ane of the Knightis of the most noble order of the Gerter, bot he did not think him selfe more honored be the Garter, then be that cord with the bookis; he wold imbrace it about his neck, with als much joy and content as ever he did the Garter, or a chaine

of gold; and therfor desyred them to tye it to him as they pleafed. When this was done and his armys tyed, he askd the bailgies if they had anye more dishonour, as they conceaved, to put upon him, he was reddie [to] accept; and then, with a most undaunned courrage and gravitie, he went up to the bufflines.

MS 2-71, f. 106
 XLIV. ORDERS TO GARRISON CUMBERNAULD HOUSE.

28 SEPT. 1650.

Stirline the 28th September 1650.

The Committee of Estates, considering of what importance the keeping of the house and castle of Cumbernauld, belonging to John Earle of Wigton, may be for securing and preserving the places adjacent, doe therefore heerby appoynt and ordaine the said Earle of Wigton, to putt a sufficient garrison in the said house, and to furnish the same with provisions, and a sufficient quantitie of amonition; and for the better enableing him to keep and secure the said house, the Committee foresaid allows him eight of the dragones, to be putt forth by him out of the parish of Lenzie, in place of sixteen foot; and the Committee of Estates doeth heerby prohibite and discharg the Committee of warr of the sherryfdome of Dumbartan, and the officers of the forces to be leaved out of that shyre, not to trouble or quarter upon the said Earle or his tenents for the said dragones, he allwayes securing and defending the said house. *Extr.*

A. HENDERSON.

XLV.—KEY TO A ROYALIST CYPHER.

A	B	C	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	T	V	W	X	Y	Z
36	34	32	30	27	25	23	21	18	16	14	12	64	61	59	57	55	53	51	48	46	44	41	39
37	35	33	31	28	26	24	22	19	17	15	13	65	62	60	58	56	54	52	49	47	45	42	40
38			29				20					63						50			43		
6			5				4					3						2			1		
10			11				68					69						70			71		

Nulls.

66	67	7	8	9	72	73	74
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DECYPHERING.

1	y	16	}	k	31	d	46	}	W	61	}	o
2	u	17		32	c	47	62					
3	o	18	33	}	i	34	49	}	V	64	}	n
4	i	19	35		b	50	65					
5	e	20	36	}	a	51	52	}	t	66	}	nulls
6	a	21	37		38	53	68					
7	}	22	}	g	39	54	55	}	s	69	}	i
8		23		40	Z	56	70		71			
9	nulls	24	39	}	Y	57	58	}	r	72	}	o
10	a	25	40		41	59	73		74			
11	e	26	41	}	X	60	61	}	q	75	}	u
12	}	27	42		43	62	76		77			
13		m	28	43	}	Y	57	58	}	p	72	}
14	}	29	44	45		63	73	74				
15		l	30	45	}	X	60	61	}	p	75	}

76	all	112	er	148	Is	184	neere	220	fay
77	and	113	ever	149	it	185	ob	221	fuch
78	any	114	excufe	150	into	186	od	222	fure
79	are	115	ex	151	intreate	187	over	223	fever
80	as	116	every	152	know	188	or	224	ta
81	at	117	fa	153	knave	189	oc	225	te
82	ba	118	fe	154	kind	190	pa	226	ti
83	be	119	fi	155	la	191	pe	227	to
84	bi	120	fo	156	le	192	pi	228	tu
85	bo	121	fu	157	li	193	po	229	the
86	bu	122	firft	158	lo	194	pu	230	this
87	before	123	find	159	lu	195	prize	231	that
88	ble	124	fit	160	live	196	prince	232	thus
89	but	125	for	161	left	197	pro	233	thofe
90	by	126	from	162	love	198	pre	234	them
91	ca	127	ga	163	loofe	199	pray	235	they
92	ce	128	ge	164	lett	200	qu	236	there
93	ci	129	gi	165	little	201	que	237	ua
94	co	130	go	166	many	202	queftion	238	ue
95	cu	131	gu	167	ma	203	queene	239	ui
96	can	132	goe	168	me	204	ra	240	uo
97	caufe	133	gone	169	ni	205	re	241	uu
98	con	134	give	170	mo	206	ri	242	unto
99	com	135	great	171	mu	207	ro	243	wa
100	care	136	good	172	ny	208	ru	244	we
101	could	137	ha	173	more	209	rare	245	wi
102	da	138	he	174	moft	210	raife	246	wo
103	de	139	hi	175	make	211	rather	247	watch
104	di	140	ho	176	may	212	fa	248	wife
105	do	141	hu	177	na	213	fe	249	where
106	du	142	his	178	ne	214	fi	250	when
107	dis	143	him	179	ni	215	fo	251	whom
108	dare	144	hir	180	no	216	fu	252	whofe
109	did	145	hope	181	nu	217	fome	253	whife
110	doe	146	In	182	none	218	foone	254	with
111	duety	147	In	183	never	219	foe	255	you

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256	your	273	Lord Lothyain
257	year	274	Parliament of Scotland
258	zeale	275	The Affembly of the Church
259	zealous	276	The Covenant
260	The King	277	Ireland
261	The Queene	278	Scotland
262	The Duke of Yorke	279	France
263	The Princes Royall	280	Sweden
264	The Prince of Orange	281	The Queene of Sweden
265	Prince Rupert	282	Earle of Branceford
266	The Marquis of Ormond	283	Lord Threafaure
267	The Marquis of Arguile	284	Lord Culpeper
268	Marquis of Montrose	285	Sir Edward Hyde
269	Lord Lanerick	286	Sir William Flemyng
270	Lord Lauderdale	287	Mr Long
271	Lord Calendar	288	Independants
272	Lord Chancellor Loudon	289	Army of England.

LIST OF PASSES.

- 1632.—ISABEL INFANT OF SPAIN, 27th August, to John Fleming, Thomas Reven and George Brisben, "gentilzhommes Ecosais," to return from the Low Countries, through Holland and Zeland, into Scotland.
- LOUIS XIII., 31st August, to John Count of Fleming, returning to Scotland.
- 1647.—SCOTISH PARLIAMENT, 22d March, to Sir Williame Fleming going to his Majesty on his own necessary affairs.
- RO. HAMMOND, 14th December, to the same, with an order for four post horses and a guide to London, and back to Carisbrook Castle in the Isle of Wight.
- 1649.—CHARLES II., 11th March, to the same, from Holland into Scotland and back.

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- 1649.—CHARLES II., 12th Nov., to the same, from Castle Elizabeth in Jersey, by France or the Low Countries, into Scotland and back, "on special service."
- PRINCE OF ORANGE, 25th Nov. to the same, into Scotland.
- 1650.—CHARLES II., 20th May, to the same, from the Low Countries to Scotland and back, "for our particular affairs."
- PRINCE OF ORANGE, 24th Aug. to the same, into Scotland.
- 1658.—CHARLES II., 8th Aug., to Sir William Keith, travelling on his affairs into Spain.
- ——— 14th Aug., to Lieut. General Sir John Middleton.
- 1659.—GENERAL GEORGE MONK, 17th Nov., to the Earl of Wigton, travelling in Scotland.

NOTE.—Since the preceding papers have been printed off, there has been found in an old inventory of the Wigton writs, a Commission under the Great Seal of James V. to John Lord Fleming, Great Chamberlain of the Kingdom, as Ambassador to Francis I. for managing certain affairs entrusted to him, and in particular to desire that King to send home the Duke of Albany to be Regent of Scotland. This document, dated 7 March 1519-20, would have illustrated No. I. of the preceding papers, and confirmed the conjectures in the preface, had it been recovered in time. It is to be hoped that the liberality of Admiral Fleming will on a future occasion enable further selections from the very curious documents which that Inventory contains, to be laid before the Club.

George



Brotherman & Co. Boston

Prison

George Monk

EXCERPTS FROM THE HOUSEHOLD BOOK OF
MY LORD ARCHBISHOP OF ST ANDREWS
FROM 1663 TO 1666.

HOUSEHOLD BOOK OF ARCHBISHOP SHARP.

ACCOMPT OF THE MONEY RESAIVED BE MR GEORGE MARTINE AT MY
LORD ST ANDROIS HIS GRACES DIRECTIOUN SINCE THE FIRST OF AU-
GUST 1663 TILL NOV. THE SAID YEIRE.*

Aug. 1.—Resaived frome Mr Williame Sharp	-	120 00 00
Sept. 11.—Received frome Johne Robertson at my Ladis ordour	- - -	180 00 00
Sept. 18.—From Mr Williame Sharpe of Johne Alex- ander his composition for his chartour of the apprysed land of Bonytown	- -	160 00 00
Oct. 14.—Frome Johne Robertsons at my Lordis ordour		180 00 00
30.—Frome Alexander Foryster in St Androis		133 08 00
Nov. 7.—Frome Williame Limdeane in part of his com- position	- - -	666 13 04

* The MS. from which the following Excerpts have been taken, is a memorandum book of the household and travelling expenses of the well-known Dr James Sharp, who, from being minister of Crail, during the time of the grand Rebellion, was made Archbishop of St Andrews, by Charles II. after the Restoration. The book is written in a very neat hand, by his Secretary and companion, George Martin, Esq. of Claremont, author of the "Reliquiæ Divi Andreae." It was given by the late Mr David Martin of Eden-side, the lineal descendant of the Secretary, to the late Mr Cleg-horn of Wakefield, near St Andrews, by whose Son it was presented to the Literary Society of Cupar-Fife, and by the latter transmitted to Mr Macdonald, for the purpose of printing such Extracts for the Maitland Club as should be thought fit.

Frome the Commissar of St Androis for quottis of testaments frome Lambes 1663 to the said day	-	765 19 00
Frome Thomas Adamsons to be given to Mr Williame Sharpe	- - -	1000 00 00
21.—Frome Mr Williame Sharpe to compleet debursements and pey all bygane accompts preceeding Nov. 23 the day of his Lordships journey to Londoun	-	152 18 10
		<hr/>
		2358 19 02

JOURNEY CHAIRGIS FROM EDINBURGH TO ST ANDROIS AUGUST 1.

To Mr Williame Sharpe stewart in drink money		002 18 00
To the undir servand both at his Lordships directioun		001 09 00
For a horse to Leith	-	000 06 00
For his Lordships fraught and company	-	002 18 00
For carieng the graith from the shoare	-	000 03 00
For corne and strae for the two geldines a night		001 08 00
For aill and bread to the servands be the way	-	000 12 00
To a mane that guydit the coach	-	000 12 00
For the horse hyre that turned frome Balfarg	-	000 16 00
For a bagage horse hyre to St Androis	-	002 02 00
For 2 horse to Leuchars to wait on his Grace		000 12 00
For a horse hyre to Mr Robert Honymans admission at Couper	- - -	000 12 00
The comptar chairges that day	-	000 18 00

FROM ST ANDROIS TO EDINBURGH AUGUST 7.

For a brydell to Williame Sharp horse at my Lordis directioun	- - -	000 12 00
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My Lords dinner at Kinghorne in vyne flesch aill bread &c.	003 18 00
To Williame Wallace that returned with thrie horse	000 18 00
For wyne beir and bread at Leith at my Lordis landing	001 04 00
To the coachman and footman that brought my Lord from Leith - - - - -	000 16 00
To the Lord Carnegies coachman that was disapoynted, at Mr Williames direction - - - - -	000 12 00

FROM EDINBURGH TO ST ANDROIS SEPTEMBER 11.

To my Lord Glasgoves coachman and footman for the coach to Leith - - - - -	001 16 00
To the poore at Edinburgh and going to the boat	000 05 00
For Ralphe and the 2 geldings fraught to Kinghorne	001 04 00
12.—For my Lord quarter that night and nixt morneing and for aill to the workmen about the coach conforme to account - - - - -	005 04 04
To poor at Kinghorne at several tymes - - - - -	000 03 00

JOURNEY FROM ST ANDROIS TO EDINBURGH SEPTEMBER 21.

To the poor at my Lords lodgeing - - - - -	000 12 00
For super at Leith with the Bishops of Aberdeine, Caith- nes conforme to ane account of particulars	005 18 00
For ane hakney coatche frome Leith to Edinburgh being late and dark - - - - -	002 08 00

JOURNEY FROM EDINBURGH TO ST ANDROIS 15 OCTOBER.

To Helen the work lasse - - - - -	002 18 00
For a cart to Leith with two barrellis of buttur and the graith	000 12 00

To the poore at Leith	-	-	000 06 00
For 2 horsse frome Edinburgh to Leith for James Veillie and Mr George	-	-	000 12 00
To my Lord Glasgoves coachman and footman at my Lordis directioun	-	-	002 03 00
Payed costoum at the Netherbow Leith and Kinghorne			000 06 00
23.—For horse frome Leith to Edinburgh in a great rayne			000 08 00
For allowance to Mr George in his sex dayes absence			005 08 00
25.—Chairgis of thrie men and horsse at Kilrenny being sent by my Lord to speak James Watsons anent his mar- riage	-	-	001 05 00
For horse hyre to the notar that went alongis			000 12 00
Instrument money	-	-	000 06 00
Nov. 3.—When my Lord went to Falkland to a guyd be the way	-	-	000 06 00
For corne and strae to the 4 coach horses ther	-		000 18 00
For corne and strae to the 2 sadill horses	-		000 08 00
To divers poore people in Falkland	-		000 04 00
To drink money at Mr Williame Barclay his hous			001 10 00
To the poore people at Falkland ane other tyme			000 06 00

JOURNEY FROM ST ANDROIS TO EDINBURGH.

Oct. 9.—To many poore at my Lordis gaittis	-		000 12 00
For William Bruce chairgis attending the clokbagis for his breakfast and denner at Brintyland with the bagag			000 10 00

ACCOMPT OF THE BOOKIS COTIN TO MY LORD.

Oct. 8.—For the Reweiv of the grund	-		000 18 00
For Survy of holie disciplin	-	-	002 08 00
Answer to <i>Fiat lux</i>	-	-	001 10 00

Treatize of Human learneing	-	-	-	001 10 00
Bishop Donnes Sermons	-	-	-	000 14 00
For Laberleneks (?) of estaitis	-	-	-	009 00 00
Bishop Hutins contra Howie conforme to ane accoempt				003 06 00

MONEY GIVEN TO MY LORD.

August 12.—To my Lord at the Bishop of Edinburgh hous to give the poore	-	-	-	600 06 00
Sept. 15.—To the footman that was sent to the Bishop of Brechin	-	-	-	001 04 00
16.—To my Ladie	-	-	-	002 18 00
21.—To my Lord which he gave the Bishope of Murray				005 16 00
Oct. 4.—To my Lord to give Mr James Strauchen a de- posit old minister	-	-	-	005 16 00

MONEYES DEBURSIT AT MY LORDS DIRECTIONE.

Aug. 7.—To the toune drummer at St Androis at my Lords direction	-	-	-	000 12 00
Sep. 11.—To the poore men	-	-	-	000 04 00
23.—To my Lord Chancellors porter	-	-	-	000 12 00
Oct. 2.—To my Lord Balheavens mane that brought tur- kies and dowses to my Lord	-	-	-	002 08 00
To Mr Patrick Weymes widdowe 2 dollors	-	-	-	005 16 00
13.—To the provest of Edinburgh nurs in drink money				011 12 00
To Johne Young keeper of the seatis of the New Kirk of Edinburgh	-	-	-	008 14 00
26.—To my Lord Glencairnes servand that brought Coalls in drink money	-	-	-	005 16 00
To a distressed widdow at my Lordis ordour	-	-	-	002 18 00
28.—To my Lord for the first collectione in the Synod				001 09 00
26.—To John Fraser messenger being sent to intimat to 4				

ministers the Synodis sentence of depositioun and suspensioun against them	-	-	-	005 16 00
Nov. 6.—To Mr George Ogilvies man that brought fische				000 18 00
To the footman Wattie when he was sent to St Johnstoune				000 12 00
7.—To a poor man Traill and a lame shouldiour				000 09 00
Given to my Ladie to compleit all bygane accompts of the hous	-	-	-	107 08 04
To Catherine Moncreiff conforme to hir discharge				050 00 00
14.—To my Lord to give James Crose who presentit ane almanack dedicat to my Lord	-	-	-	002 18 00

NECESSARIS FOR MY LORD AND UTHER DEBURSMENTS.

Aug. 15.—For a paire of shiverines to my Lord and drink money to the boy	-	-	-	001 18 00
29.—To the bourbour for trimeing my Lord				000 18 00
Sept. 22.—For washing my Lord cloathes at 3 several tymes				003 04 00
For a link to wait on the coatche	-	-	-	000 06 00
28.—For ribbanes to my Lord shoes				000 09 00
Oct. 3.—For 2 ellis of creap for a murneing string when the Bishop of Orknay died at 2 † 13 ̄ the ell is				005 06 00
For a pair of black shambo gloves to my Lord				001 16 00
For 6 quarteris of black silk coard to my Lords hatt				000 05 00
11.—For tuo linkis at the Laird of Grantis buriall				000 12 00
14.—For a bybill to Williame Sharpe	-	-	-	004 10 00
For six quarteris of black ribbanes to my Lord				000 08 00
15.—For a link to wait on the coatche to the abbay	-	-	-	000 06 00
Nov. 11.—For two linkis at my Lord Glasgoves buriall				000 12 00
14.—For a link to the coatche going to Ladie Glasgoves hous	-	-	-	000 06 00
For holland to be band and cuffs to my Lord				004 00 00
For cours holland to be stockis to the band and cuffs				000 12 00

17.—For a link goeing to my Lord Chancellours hous	000 06 00
For a link to my Lord Presidents hous	000 06 00
The compt of the money given to the poore in smallis thir	
3 monthes bygane comes in hail to	010 19 08
To a poore shouldour at the abbay church doore	000 06 00
To the poore people at the abbay church on both sydes of the coatche	000 04 00
To poore people at severall tymes at the hous and abroad at the coatche theis ten dayes bygane	001 02 00
Nov.—Payed to ane apothecarie at St Androis for some oyllis and drougis to the coatch horse	001 08 00

ACCOMPT OF MY LORD ARCHBISHOP OF ST ANDREWS AND GLASGOW
THAIR LORDSHIPS CHARGIS AT LONDOUN IN LODGING DYET VYNE
FYRE WOOD COALLIS CANDILLIS FROM DEC. 3 TO JAN. 27. 1664.

<i>Die Jovis</i> Dec. 3.—Inprimis at Barberkin for oysteris and opning theme	001 10 00
In the rekoneing for vyne claret and kinnarie beir bread fyre	006 08 00
To the hostlar and a boy for receaveing and carieing Clok- bag sadilles	000 12 00
For a coatch for the graith frome to the loudgeing in West- minster	001 10 00
To a porter for carieing the graith to the chamberis	000 04 00
For a coatch to thair Lordships from Barberken to Lauder- dailis vaiting houris and hom	002 08 00
For fyre that night in thair chamberis	000 10 00
For aile bread and pippines at Supper to thair Lordships and thair servantis	000 19 00
For tuo pound of Candle	000 13 00
<i>Die Veneris</i> 4.—For aill and bread in the morneing	000 12 00

Dinner for a souldiour of muttoun	-	-	001 16 00
For a dishe of greenefishe	-	-	001 16 00
For breid aile and a pynt of claret vyne	-	-	001 02 00
For fyre in the morneing at diner and at night	-	-	001 06 00
For vyne aile and bread at night and pippines at diner and supper	-	-	001 08 00
For a Coatch to and frome Whithall	-	-	001 10 00
<i>Die Saturnii.</i> —For fyre in the morneing and at night in both thair Lordships chamberis	-	-	001 00 00
For aile and bread in the morneing pippins at a pynt of Claret at night	-	-	001 11 00
For 3 stone of weight of beife at 1 hib 10 s the stone and salt thairto	-	-	004 12 00
For a paire of Oares to Lambeth	-	-	000 18 00
For oares to the servantis returneing	-	-	000 06 00
For a pound of Butter	-	-	000 08 00
Saboth 6.—For aile and bread in the morneing and at night and for cheese	-	-	001 02 00
For fyre in the morneing afternoon and at night	-	-	001 04 00
Monday 7.—For fyre in the morneing and at night	-	-	000 17 00
For bread and drink in the morneing and at night and for cheese	-	-	001 01 00
For a coatche to Worcester hous Durham zaird Lady Balheavin and home	-	-	002 08 00
Dinner for a pullet	-	-	001 08 00
For butter limon turneipis and pepper and egges	-	-	000 09 00
For dresing the pullet and a peice of beiff at 4 s the peice	-	-	000 08 00
For aile bread fyre and a pynt of claret at dinner	-	-	001 10 00
For fyre at night	-	-	000 10 00
Tysday.—For fyre bread and drink in the morneing	-	-	000 16 00
For 500 natches of billetis	-	-	005 14 00

For ane $\frac{1}{2}$ hundreth of faggotis and for a cart bringing tham hom	-	-	-	004 10 00
Dinner for a shouldier of muttone	-	-	-	002 00 00
For Turnepes butter and a great loaff	-	-	-	000 17 00
For a quart of Kinnarie thearle of Lauderdaill being with their lordships	-	-	-	001 04 00
For a coatche to Worchester hous and home	-	-	-	000 18 00
For a quart of wyne to their Lordships and Lord Ogilvie	-	-	-	000 10 00
Wednesday.—For Canarie at night to my Lord Rothes	-	-	-	000 12 00
Thursday.—For a capon and making it readie and a peice of beiff	-	-	-	002 10 00
<i>Die Veneris.</i> —For aile and bread in the morneing and at night	-	-	-	001 08 00
Dinner therll of Rothes and Lauderdaill being present for 12 Oringeris	-	-	-	000 12 00
For vinager and spyces to oystaris	-	-	-	000 01 03
For table beir and aile	-	-	-	000 14 00
For a dishe of fishe with egges	-	-	-	003 00 00
For a joyle of Salmond with oysteris and egges	-	-	-	008 06 00
For a dishe of quhitingis	-	-	-	001 16 00
For a dishe of solefyshe	-	-	-	006 00 00
For a dishe of Smeltis	-	-	-	005 08 00
For a dishe of teartis	-	-	-	002 14 00
For bread at dinner and a barrell of oystaris	-	-	-	002 02 00
For the mail of the loudgeing from Thursday Dec. 3 to Thursday Dec. 17 being two weekis at 16 fit 4 s weekillie	-	-	-	032 08 00
For a goose and aple sauce	-	-	-	002 14 00
Saboth.—Dinner to many noblemen for 2 barrell of oysteris	-	-	-	004 00 00
For a dishe of fishe with egges and butter	-	-	-	003 00 00
For a Vestphalia ham with cheekines	-	-	-	013 04 00
For a coadis head and oysteris	-	-	-	006 06 00

For a dishe of stewed carpis	-	-	006 00 00
For a dishe of dryed quhittines	-	-	003 00 00
For a dishe of fried smeltis	-	-	004 16 00
For a chyn of Salmond	-	-	003 12 00
For a jouyll of Sturgen	-	-	006 00 00
For a tart	-	-	005 02 00
For oringis Vinegare spyce and tobaco pypis	-	-	000 18 00
<i>Die Martijs.</i> —For a pynt of wormwood wyne in the morn-			
ing and a quartelaret at night and for pippins	-	-	001 19 00
Supper to many noblemen and utheris for a young turkie			
and dressing	-	-	003 10 00
For 3 phesines at 3 ðið the peice	-	-	009 00 00
For tuo woodeockes	-	-	002 08 00
For tuo pullettis	-	-	003 00 00
For 4 pertrigis	-	-	004 16 00
For 4 cheekines at 16 ð the peice	-	-	003 04 00
For aples and Carvie	-	-	000 18 00
For oringis and limones	-	-	000 16 00
For anchoves to be a dishe to be sauce	-	-	001 02 00
For olives Caperis vinegare spyce and butter	-	-	001 06 00
For oysteris aile mustard suggar and pearsle	-	-	001 08 00
For 4 bottillis of cedar	-	-	001 04 00
For a peice beef at dinner to the servants	-	-	000 16 00
To the Landlady for supper dressing kitchene and fyre			001 16 00
For pypes to Lauderdaill and for bread at night	-	-	000 16 00
Item in drink money to my Lord Lauderdaills servands			006 00 00

MY LORD ARCHBISHOP OF GLASGOWS COMPT.

For 3 duzen pund of Candill at 3 ðið 12 the duzen			010 16 00
For 150 pippines	-	-	004 10 00

For sex botillis of Canarie	-	-	007 04 00
For 17 botillis of Claret	-	-	010 04 00
For a tune of Coalis	-	-	016 04 00
For 12 bottellis of sak	-	-	014 08 00
For 24 botillis of Claret at divers tymes	-	-	014 08 00
Payed be his lordship in earnest of his ludging	-	-	003 00 00
More acompt given in be Glasgow of aples	-	-	007 05 00

JOURNEY CHAIRGIS FROM LONDOUN TO EDINBURGH JAN. 27.

For a coach to Walthame with the earnest to the coach-			
man	-	-	015 12 00
For horses to Roystoun	-	-	014 00 00
To the chamberlanes	-	-	001 10 00
To the Maids butcatcher* and hostler	-	-	001 16 00
For horses to the guyd and to the poore people	-	-	009 16 00
For horses to Grantham 2 stags and guyd	-	-	016 06 00
For dinner of colopis and eggis beire and bread	-	-	003 06 00
To the chamberlaines deputie and poore	-	-	001 05 00
Almik.—For dinner wyne beir bread	-	-	004 12 00
To the hous 2 violleris and the hostler	-	-	001 16 00

ACCOMPT OF MONEY GIVEN TO MY LORD ARCHBISHOP OF ST ANDROIS HIS GRACE AND DEBURSED AT HIS DIRECTION IN LONDOUN FROM NOVEMBER 23 1663 TILL JANUARY 1664.

For paper to serve on the road	-	-	000 02 00
For a halking bag for my Lord night graith			000 06 00
For paper at Durham	-	-	003 00 00

* The official person at Inns, termed in modern times *Boots*.

For mending the halking bagg	-	-	000 02 00
To the Earle Lauderdails servant that brought my Lordis gowne from Whithall	-	-	000 12 00
For a chaire to and from Lauderdailles	-	-	001 04 00
For a chair to the watter my Lord going to Lambeth			000 12 00
For ribbones to my Lordis tippet	-	-	000 06 00
To my Lord goeing to the Kingis chappill	-	-	006 00 00
For a chayre ther	-	-	000 12 00
For a chayre to the watter	-	-	000 12 00
Boord wages Mr George and William Bruce Saturday Sunday Monoday	-	-	003 12 00
For a coatche to Covent Garden and for returneing and for a new book	-	-	001 05 00
To my Lord to give poore people at tuyse	-	-	000 06 00
For a coatch to Durham 3aird	-	-	000 12 00
To the people at Worcester hous and Durham 3aird			000 03 00
For trimming my Lord and for a newes book	-	-	001 05 00
For a pair of shoes and galloshes to my Lord and ribbanes			006 08 00
For a coatch to my Lord Newburghes and home			001 06 00
To Mr Bloures man bringing home the new gowne			001 10 00
For a coatch to Lambert Street and for waiting and home			002 14 00
For ane ivorie Cabinet	-	-	072 00 00
For ane new hatt to my Lord	-	-	063 00 00
For dressing the old hatt and for pock and string			003 00 00
For a coatch to Vestminster hall and returneing			001 04 00
For bookis ther at on shope	-	-	011 14 00
For cutting my Lordis litell seall	-	-	012 00 00
For a new satin cap	-	-	003 00 00
For small ribbanes for the key of the Cabinet			000 03 00
For <i>λευανθρωπος</i> and goeing by watter gett			001 00 00
For a pair of schiverines to my Lord	-	-	000 18 00

Given to a poor widdow at my Lordis direction	001 04 00
Cristmas Day to my Lordis going to the Chapill	003 06 00
For a coach to Rothes - -	000 12 00
To the doore keeper of the chapill given by my Lord	006 00 00
For a chayre to Bishop Winchesters - -	000 12 00
For a chayre from Whithall in tyme of rayne	000 12 00
Goeing and coming to Mr Lindsayes by water at night	000 12 00
Jan. 1664.—To the keeper of Lambeth Chapill to see the cushyon - - - - -	000 12 00
For post and gilt paper - -	000 07 00
To my Lord to give to Sir Eliseha Lightons coachman	001 04 00
For a coach to Rothes Newburghes Dr Montanes and home - - - - -	002 08 00
For rebbanes necklaces and pendentes for the childrene	012 00 00
For tuo satin capis to the bairnes - -	004 04 00
For a coach to Rothes and Coupars -	000 18 00
To Lillies and Earll Arguyll - -	001 10 00
From my Lord Arguylls home - -	000 12 00
Given to my Lord to Bischop Londounes -	006 00 00
For a botill of seek sent to Mr Blaire - -	000 12 00
For a paire of stockingis to my Lord -	003 12 00
For 2 peice of ribbanes to William Sharpes cloathis	015 12 00
For 2 stemming petticoatis and 2 bairnes coatis	040 16 00
For 4 timber combes for my Lady - -	001 10 00
For liquoring my Lordis boots saddle and cloak bagg	000 18 00
For 2 horne combs and a caice - -	001 04 00
To my Lord to give a distressed gentleman -	006 00 00
For a pair of gray schooes to my Lord and drink money	003 12 00
To my Lord to give in drink money for the Asses	006 00 00
For the asses stable and meat a night -	001 04 00
Sent to my Lord to Whithall - -	006 00 00

To Mr Lockhart for my Lords pistolls bought be him	018 00 00
For the sadle - - -	030 00 00
For diacolon plaister - -	000 12 00
For a new scabboord to my Lord sword -	001 04 00
For orange flower watter to my Lord -	002 08 00
To his Lordship to give Lindsay Archbishop of Glasgoves man - - -	003 00 00

EDINBURGH 8 OF MARCH 1664.

Summa of all preceeding accomptis in charge and discharge—

Imprimis the chairgis of the journey to Londoun extendis to - - - -	038 06 00
The chairgis of dyet ludging and uther spending at London comon to both their Lordships journey extends to	081 09 00
The chairgis of their Lordships journey from London to Edinburgh - - -	038 06 00
Summa - - -	159 01 00
Quhairof just half is - - -	079 10 00

JOURNEY FROM EDINBURGH TO ST ANDROIS 9 MARCH 1664.

To Williame Sharpis Stewart, his cooklass, Alexander Miller at my Lordis directione - -	005 11 00
To my Lord Levenes man for shewing the way	000 06 00
To the footman that ran - -	000 06 00

CHARGES OF THE JOURNEY TO DUNIBRISSELL AND ABERDOUR.

June 25.—To the boatmen in earnest -	000 12 00
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For ther morning drink at the boat hyreing	-	000 06 00
For vyne bread milk and aile at Dunibrissell		000 18 00
To the houskeeper	- -	001 09 00
To the gardiner	- - -	002 18 00
To his man	- - -	000 06 00
August 3.—Lord Levenes buriall for aill at Darsie		000 08 00

MONEY GIVEN TO HIS LORDSHIP SINCE FEBRUARY 3.

It. to give a student	- - -	008 14 00
To give Jonat Daniskene	- - -	005 16 00
To give my Lord Glasgow man that vaited on the asses		005 16 00
To my Lord being Sabboth	} for a collectione	002 18 00
To my Ladie that day		002 18 00
At the consecration to his Lordship in the churche		005 16 00
27.—To give ane old man	- - -	002 18 00
28.—To his Lordship to give Katheren Sharpis nurs		001 09 00
To his Lordship to give 2 gardners in Dunibrissell 3 dollors		008 14 00
To his Lordship ditto in S. P.	- - -	080 00 00
To his grace to give to Edward the pleasant	- - -	005 16 00
Feb. 4.—For a new black crooper to his Lordships Sadle		000 16 00
For a pair of new joynted indented spurris his Lordship		001 12 00
For spurr leathiris therto	- - -	000 10 00
For vashing his Lordships cloathis at Edinburgh being all foull efter the journey	- - -	001 05 00
To a tailziers man for mending his Lordships cloak and doublet	- - -	000 12 00
For 3 Spainsche bisomes and 3 mapis sent to St Androis		001 16 00
March 3.—Bookis for Williame Sharpe	- - -	025 17 00
For Majora Coloquia Erasmi	- - -	001 16 00
For Terentius, Ludovicus vives and gramat. disput.		001 10 00
For Buchanan psal. and declog. sacro.	- - -	001 04 00

For Salustus and Ovid metamor.	-	001 06 00
For a new bitt to my Lordis new Londoun brydill		001 10 00
May 21.—For drugis to the childrene quhen they gott all phisick 2 or 3 dayis together frome Doctor Pittilluo		007 14 00
For the Commission anent Church affaires	-	002 00 00
For a murninge tippet of thrie ellis and 3 half quarters of brod lace at 3 pound 12 s p. elne is	-	012 03 00
For his Ladyes padd 10 dollars and drink money	-	029 12 00
July 1.—At the Dean of Edinburgh hous in drink money		001 09 00
28.—For fixing a ston in a ring	-	000 12 00
To a barber the day of the Chanclours buriall		000 18 00
For a pair of murninge shoes to his Lordship	-	002 18 00
For dressing his Lordship hatt and a new pock therto		002 02 00
For 1 ell and $\frac{1}{4}$ of lut string taffete to my Lady at 6 fib. per elne	-	006 15 00
Aug. 13.—For six ellis of pedesway to his Lordships ryding coat at 11 fib. the ell	-	066 00 00
16.—For a chopine of Rainische wyne	-	000 18 00
For a halkeing bag to carie his Lordships night graith and a belt	-	000 12 00
For a Solen goose sent to St Androis	-	000 04 00

DEBURSED AT HIS GRACES DIRECTION.

1664. Feb.—To the Lord Chancellors porter	-	001 04 00
4.—To the toune drummer of Edinburgh	-	002 18 00
To the toune trumpetteris	-	005 16 00
6.—To his Lordships massones at the woman hous		001 04 00
8.—To the Earle of Athollis mane that brought wyld foull		001 16 00
15.—For a pair of shoes to Catherene Scharpe	-	000 12 00
For a belt of black stringis	-	001 04 00
For pins to the Lady	-	000 12 00

For a guyd from Balcarras	-	-	001 04 00
To John Wilsone bell man of Crail	-	-	001 04 00
To the horse to Kellie	-	-	000 12 00
To my Lord Lyones man with lettres	-	-	000 12 00
To my Ladie to give William Scharpis regent	-	-	014 10 00
To a post for carrying a letter to the Bischop of Dunkeill	-	-	000 06 00
To the Ladie to buy a pig	-	-	000 18 00
17.—To the Laird of Ardries mane for a goose	-	-	002 18 00
March 16.—St Androis—To Lisbet Scharpis nurse	-	-	000 12 00
For a pocket inkhorne for William Sharpe	-	-	000 05 00
23.—To the laird of Lesmores mane that brought mure-foullis	-	-	002 08 00
To William Scharpe to pay for candle in the coledge	-	-	002 18 00
30.—To my Lord Casillis mane that brought letters	-	-	000 06 00
To the messenger for executing the letters against Mr Johne Carstares and utheris first and last	-	-	004 19 00
31.—To my Lord Rothes man with letters	-	-	001 04 00
Apryll 4.—To Mr James Lawmonds relict	-	-	000 12 00
To my Lady Crawfordds man	-	-	000 12 00
12.—To hir Ladyship when his Lordship went to Edinburgh 10 Dollars	-	-	029 00 00
16.—To the Earle of Kellies nurse in the Castell of Edinburgh	-	-	005 16 00
To the gunner of the castill	-	-	006 00 00
23.—To David Irving a poor shouldiour	-	-	000 04 00
To the Commissar of St Androis his nurse	-	-	002 18 00
To bringing over my Ladies new pad	-	-	000 16 00
For sex new bees scapis at 8 s̄ the piece	-	-	002 08 00
May 4.—To William Sharpe for a paire of arrowes	-	-	000 10 00
For a glove and a brace	-	-	000 14 00
For a bow string	-	-	000 03 00

To my Lord Newarkis mane for letters from Edinburgh	000 12 00
To Kathreine Moncreif for hir annual rent fra Martymes	
1663 to Whitsunday 1664 inde	050 00 00
16.—To the Laird of Sandfurds nurse	005 16 00
18.—To the Earle of Rothes coachman 1 Dollar to postillian $\frac{1}{2}$	004 07 00
26.—To a harper at his graces directioun	002 08 00
For a quare of cutt paper	000 06 00
27.—To my Ladie to give William Sharpis regent 5 Dollars	071 10 00
To the Ladie to give a Craill boy to help his pack	000 18 00
To the Lord Theasurares porter	001 10 00
July 4.—To the Dean of Edinburghs mane who brought cherries	000 12 00
26.—To Garnetullis man that brought murefoullis	000 18 00
Aug. 9.—To my Lord Loures man that brought fruit	001 09 00
13.—To Cathrein Sharpes nurs for ane yeires fie	036 00 00
To my Lord Carnegis cook at Leeuhares	000 12 00

JULY 28.—CHAIRGIS OF MURNEING FOR THE SERVANDS AT THE
LORD CHANCHELLOUR BURIALL.

For thrie ell of creap for coachman and footman at 3 s sterling the ell is	003 12 00
Item for two ellis of lace for a hatt band to Mr George at 3 lib the ell	006 00 00
For two paire of stockenengis to coachman and footman	004 00 00
For 3 ellis of murneing ribbanes for his Lordship	001 04 00
For a hatt to the coachman	003 00 00
For a hatt to the footman	002 02 00

Aug. 18.—Paid to Williame Seaton tailzier conforme to
his accompt - - - 106 04 08

MONEY GIVEN TO THE POORE SINCE FEBRUARY 3d.

Feb. 4.—To poore people at his Lordship goeing and come-
ing out of my Lord Chancellour - - 000 08 00
To John Adiesone at St Androis - - 000 12 00
8.—To a poore woman ther - - 000 06 00
9.—To poore people at the loudging - - 000 06 00
19.—To poore people at twyse there - - 000 08 00
21.—To a poore man - - - 000 04 00
27.—Edinburgh to many poore - - 000 08 00
To poore people at the abbay goeing in and comeing out 000 05 00
To the poore comeing from the Colledge of Edinburgh 000 08 04
Mair to poore people that efternoon - 000 02 00
To poore people at Edinburgh goeing to Leith and at
Bruntyland - - - 000 08 00
To poore people in 5 dayes at St Androis - 000 17 00
To other poore at divers tymes - - 000 13 00
To the poore at Leucharis - - - 000 06 00
To poore at St Androis - - - 000 08 00
Mair to a poore man ther - - - 000 05 00
Mair to poore at Wolmerstoune - - 000 05 00
To a poore woman who had a petition for hir husband 000 18 00
To a poore man of Craill - - - 000 06 00
To a poore shouldiour at the loudging - 000 04 00
To poore from the 1 Apryll till the 12 - - 001 06 00
To the poore at Edinburgh - - - 000 07 00
To the poore at the loudging the 15 day to poore twyse in
the parliament close - - - 000 18 00

To his Lordship to give the poore at the Provost of Edinburgh	-	-	-	000 09 00
To poore at twyce	-	-	-	000 03 00
St Androis to a poore man callit John Sincklare				000 18 00
To Jeane Fotheringham a poore woman in Bamff	-			000 06 00
To a poore woman by his Lordships ordour	-			000 12 00
To many poore people at divers tymes	-	-		000 05 00
To two poore shouldiours at the loudging	-			000 06 00
To poore at twyse	-	-	-	000 03 00
To the poore at divers tymes		-	-	000 06 00
To the poore at the loudging	-	-	-	000 03 00
To a lame shouldiour	-	-	-	000 04 00
To poore people at Kingisbarnes		-		000 05 00
To a lame shouldiour	-	-	-	000 04 00
To the poore before the last of May		-		000 19 00
June 4.—To divers poore people		-		000 05 00
5.—At the abbay and lodgeing	-	-	-	000 05 00
6.—In the Parliament Close at twyse		-		000 03 00
8.—Mair to the poore	-	-	-	000 04 00
To the poore till ye 15 in smallis		-		000 11 00
16.—To the poore at twyse in the Parliament Close				000 03 00
To a poore woman at the lodgeing	-			000 06 00
Mair to the poor till 22	-	-	-	000 12 00
Monday 27 of Junii	-	-		000 07 00
To the poore preceeding the 7 July	-	-	-	000 15 00
To the poore preceeding July 17		-	-	000 14 00
From the seventeint to 30	-	-		001 02 00
To a poore woman Isobell Hay		-	-	000 08 00
Aug. 6.—To the poore preceeding August 20		-		001 03 00
26.—To the poore at the abbay and Lord Glasgoves				000 08 00

AT EDINBURGH 22 DAY OF AUGUST 1664.

The hail preceeding accompts in this book being calculat and sowmed as followis—

The chairgis of journeyes	-	-	0329 04 00
Moneyis given to Mr William Sharpe		-	9882 06 00
Moneyis given to his lordship	-	-	0674 10 10
Accompt of necessaris	-	-	0252 01 00
Debursmentis at directioun	-	-	1260 01 04
Off murening and tailzour accompt	-	-	0125 06 00
Chairgis of servantis	-	-	0245 06 00
Chairgis of coach and horses	-	-	0246 00 02
Money given to the poore	-	-	0029 13 04

ACCOMPT OF MY LORD ARCHBISHOP OF ST ANDROIS HIS GRACES
JOURNEY CHARGIS FROM EDINBURGH TO LONDOUN BEING AUGUST
21. 1664 AND ENDING AUGUST 30.

22.—For oylling and dressing his lordships boattis	-		001 10 00
For oylling and dressing 3 Pistoles	-		000 08 00
For a paire of boot garteris	-	-	000 04 00
For two horse hyres from Edinburgh to Bervick			016 00 00
Alnick.—For beer bread and wormewood wyne	-		001 08 00
Morpeth.—To the guyd and hostler	-		001 04 00
Dunstable.—For 3 horse to the Lord Dunfries and to Bawtrie 12 myllis	-	-	005 12 00
To helpe to burie a poore maue	-	-	000 12 00
For solling his Lordships stockengis	-		000 03 00

ANE ACCOMPT OF HIS GRACE MY LORD ARCHBISHOP OF ST ANDROIS HIS
DEBURSEMENTIS FOR NECESSARIS AND OTHER WAYIS AT LONDOUN FROME
AUGUST 30 TILL OCT. 18, 1664.

Aug. 30.—For a coach from Holburne with the graith to Vestminster	-	-	-	001 04 00
31.—For oars to and frome Lambeth	-	-	-	001 16 00
To my Lord Canterburies porter	-	-	-	003 00 00
Sept. 1.—For a coach to St James, Durbam yaird and to Lord Newburghes	-	-	-	001 16 00
To a boy for lighting home his Lordship	-	-	-	000 06 00
2.—For a coach to and frome Cabinet Mackens Lord Dunfermling &c.	-	-	-	001 16 00
For a coach to St James and back to Quheithall	-	-	-	001 04 00
Books	{	For abridgment of the Englis statutis	-	001 16 00
		For a disuasive frome poperie	-	001 16 00
		The Lawe of tithes	-	000 06 00
		For the historie of Tangeiris	-	000 12 00
		For the mystrie of Conventicles	-	000 18 00
15.—At Greenvitch to a Maid that shewed the hous	-	-	-	001 04 00
To the sailors whair his Lordship breakfast in the Zeaught	-	-	-	001 10 00
To the sailleris of the Zaught at Owlage	-	-	-	003 12 00
17.—For a pair of black worset stockeningis	-	-	-	004 04 00
19.—To Sir Williame Davidsones man that brought venneson	-	-	-	003 00 00
To the archbishop Laudis devotion and a newes book	-	-	-	000 13 00
Sept. 22.—For a paire of french litill sweet gloves to his lordship	-	-	-	001 16 00
For a coach and frome Maidenlane Lady Balheavine	-	-	-	001 04 00
For 2 paire of preserves and a caice	-	-	-	003 18 00

For a coach to St James and Rothess	-	-	001 04 00
26.—To his grace going to my Lord Chancellour			003 00 00
Sept. 28.—For 12 ellis of pearline for my Ladie at 20 s			
the ell	-	-	012 00 00
29.—For a coach home and staying at a pinteris			001 04 00
Oct. 4.—For mending and solling his Lordships stockeines			000 12 00
For half deasone combis	-	-	001 16 00
For a ryding hood	-	-	002 08 00
6.—Paid to Johne Kirkwood for his Lordships seale			024 00 00
For a coach to Old Baillie, Lady Balheavens and staying			
5 hours $\frac{1}{2}$	-	-	003 12 00
To a staff with a silver head 2 caice of knyves and a bell			020 08 00
8.—To a boy with ane lanthrene from Lauderdaills			000 06 00
13.—For a paire of Irishe leather gloves for ryding			001 16 00
For a coach to the Lords Orrories and staying tuo hours			001 10 00
For Ciceros familiar epistillis	-	-	001 04 00
Enchiridium oratorium et poeticum	-	-	002 02 00
Calligraphia Romana	-	-	001 16 00
Howells Hystoricall Institutiounes	-	-	010 16 00
For two paire of Frenche gloves to my Ladie and a paire			
to his Lordship 3 s sterling	-	-	005 08 00
For a coloured muff	-	-	006 12 00
For a quheat hood	-	-	002 14 00
For a black hood and a skarff	-	-	006 00 00
To a boy that brought some strong watteris to his Lordship			000 06 00
17.—To a man that brought an India gowne for his Lord-			
ship to sie	-	-	001 14 00
For a paire of womanes stockings at my Ladies directione			003 00 00

ACCOMPT OF MY LORD ARCHBISHOP OF ST ANDROIS HIS GRACES
CHARGIS FOR DYET FYRE CANDILLS AT LONDON FROM AUG. 30 TILL
OCT. 18.

Aug. 30.—For 2 quartis of wheat wyne	-	000 16 00
For 3 pound of candillis	- -	000 18 00
31.—For bottillis of aile beire and bread in the morneing and at night	- - - -	001 02 00
For a pullet and making readie	- -	001 16 00
For aile bread and fruit at dinner	-	000 08 00
For a limon and half a cheese	- -	000 10 00
For half pound of buttur	- - -	000 04 00
Sept. 1.—For a pynt of cherie sek and capers	-	000 12 00
3.—For a great loaff	- - -	000 12 00
4.—A pynt of cherries at dinner	- -	000 08 00
5.—For a pullet and thrie chekkines and dressing		003 10 00
For bread at dinner to be soppittis	- -	000 08 00
For buttur vergice capers sugar resines many oranges and almons	- - - -	001 08 00
For 2 tartis pears plums and vinagare	-	000 19 00
For colliefloures and frenche barley	- -	000 18 00
For a leg of Muttoun	- -	002 02 00
For a quart of sek and 2 quartes of claret	-	001 02 00
12.—At night ane quart of claret with Mr Drummond and another Mr Burnet	- -	000 16 00
15.—For a capone and dressing	- -	001 16 00
For a pair of rabbets and dressing	- -	001 08 00
For 3 partridges and dressing	- -	003 06 00
For a loyn of muttoun	- - -	001 10 00
For pears grapes and walnettis	- -	000 10 00
For ane orange and 5 bottills of Lambeth aill		000 17 00

For caperis parsley and 2 bottillis of claret wyne	000 19 00
For a pynt of Canary and a great loff - -	001 04 00
For pypis tobaco vinagare and small beir -	000 12 00
21.—For claret at night with Sir James Mercer -	000 08 00
23.—For a kinterkin of aile - -	005 03 00
For coffie and bread in the morning - -	000 04 00
For a deasone of whittanes and dresing -	001 08 00
For a sole flook and dresing - -	000 16 00
For claret walnettis and pears - -	000 16 00
Oct. 2.—For tobacco and pypis once to my Lord Lauder- dail and once to Sir John Aytoun - -	000 06 00
3.—For a quart of canary with my Lord Canterburies se- cretarie - - -	001 02 00
4.—For 2 bottillis of wyne at Mr Maitlands -	000 18 00
14.—For a neck of muttoun and barley herbes and for dresing - - -	001 10 00
For a dishe of fishe - - -	001 16 00

ACCOMPT OF THE CHAIRGIS OF MY LORD ARCHBISHOP OF ST ANDROIS
HIS GRACIS JOURNEY FROM LONDOUN TO EDINBURGH BEGINEING OCT. 18
AND ENDING OCT. 27.

Royston.—To the deputie bootcatcher hostler and guyd	002 02 00
Dunstable.—For a petticoat - -	009 18 00
To the woman that kepted Robine Hood wall -	000 06 00
York.—For a coach to the Ladie bishope of York -	006 00 00
To his lordships porter - -	003 00 00
To prisoners and other poore when his lordship took horse	000 15 00
For washeing and mending his lordships cloake -	000 08 00

FROM ST ANDROIS TO EDINBURGH DEC. 13.

For foure horses to Edinburgh and to the hyrer	-	001 10 00
For a horse hyre to Balcarras for Mr Gilbert Burnet		000 12 00

ACCOMPT OF MONEY GIVEN TO HIS GRACE.

Oct. 30.—To his grace being sabboth	-	001 10 00
Dec. 8.—To his lordship the day Margaret Sharpe was borne 10 dollars	- -	029 00 00
For a Virgall to Williame Sharp and for glasping it		000 16 00
12.—To the poore the day of Margaret Sharpes christening	- - -	002 14 00
For a quart of wyne the day of hir christening	-	002 00 00
23.—For a veale	- - -	003 06 00
For a sheepe	- - -	002 00 00
For a paire of murefoulis	- -	000 10 00

NOV. 5.—CHAIRGIS OF THE BONEFYRE.

For eight load of coalis 10 ¯ the load	-	004 00 00
For other eight load of coalis at 9 ¯ the load		003 12 00
For a Tar barrell and setting on the fyre	-	000 18 00
For 3 linkis within this 4 dayis	- -	000 18 00

SUMMA OF THE PRECEDING ACCOMPTS.

Summa of the chairge	- -	1078 11 05
Discharge		
Summa of Journey chairgis	- -	109 12 04
of Moneyis given to his Grace	- -	140 18 08
of debursementis be directione	- -	613 17 08
of the bonfyre chairgis	- -	009 08 00
of Boord wagis and fies to servands	-	009 04 00

Summa of coatch and horses chairgis	-	085 01 00
of debursements in the hous at St Androis	-	028 19 08
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Summa of the haill discharge	-	1078 01 04
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The balance		000 10 04

DISCHARGE 1665.

March 25.—To his grace to give Collonell Leslie 4 dollars	011 12 00
26.—Sabboth to his grace going to churche $\frac{1}{2}$ doll. 12 s	002 01 00
27.—At Leith for vyne seck lobster olives &c.	002 01 00
30.—For a paire of shoes to my Lady	001 16 00
April 12.—For Moulins vindication of the Protestant Religion	002 00 00
13.—For a coatch to the earle of Montrosse and Lord Glasgow and home	001 10 00
For black silk cord for breeches	000 04 00
For limons a deassone	001 16 00
26.—To Earlshall men that brought aples	000 06 00
May 2.—For a great satin cap to his grace be accompt	004 02 00
3.—For a silver needle to Agnes Sharpe	001 10 00
4.—For aill and sugar in the morning	000 04 00
For dinner be bill	005 11 00
For a coatch to the fieldis and back	001 04 00
May 29.—For a tar barrell to the bonefyre	000 12 00
Junij 10.—To my Ladie for payment of the hous accompts preceding this day conforme to accompt	087 15 04
30.—For 3 horse hyre to Saltoun and ther chairgis at hyreing	006 06 00

July 5.—For 3 monthis coatch maill till the 5 of Apryle from the 5 of Januar	-	-	018 00 00
To the poore in the Parliament Close and at Lord Glas- gowes	-	-	000 04 04
19.—For transcryveing a paper in a fine hand sent to London	-	-	001 04 00
23.—For ane ell of holland to be bandis to William Sharpe			004 10 00
For some fyne Venuce paper for his grace	-		000 03 00
24.—Debursed for his grace at Rosling	-	-	002 18 00
Mair at the oyll well	-	-	000 12 00
To his lordship when he went to Rosling 2 groats and turneris	-	-	000 17 08
26.—To my Lord Provest man that brought a piece of wyne	-	-	005 16 00
30.—To two porters for beireing in a puncheon of vyne			000 08 00
Aug. 2.—To William Seatones servants for mending some cloathis to his grace and in drink money for making a new cassick	-	-	000 12 00
For 4 ellis $\frac{1}{2}$ of taffata to be that cassick at 8 ðib 10 ð the ell	-	-	034 00 00
3.—For 14 loads of coallis for the bonefyre at 10 ð the load	-	-	007 00 00
For 4 vnces of Sugare plumes	-	-	001 02 00
5.—To his grace to give Edward the pleasant 2 doll.			005 16 00
For 2 tarr barrellis to the fyre	-	-	000 16 00
8.—For fraught for his grace, the company, 3 horses and the graith	-	-	005 16 00
For breakfast at Kinghorne thair being many servantis			003 08 00
13.—To Hendrie Russell for bringing home the trunk with my lordis cushion, and solen geese and glasses	-		000 12 00
24.—For a new vainscott table	-	-	005 13 00

For half dozen of stools at 18 s the peice	-	005 08 00
Sept. 14.—To his grace to give Johne Buchanon with newes of the victorie	- -	002 18 00
19.—To my Lord Lowres man that brought fruit	-	001 09 00
Payed for the hous accomptis for vyne conforme to the ac- count frome September 11 till September 20	-	036 18 00
20.—For 2 young henes and a dishe of Startichokes at supper	- - -	001 04 00
For six rollis and 3 pyntis of aill	- -	000 12 00
Oct. 4.—For the heirdis fie this half yeire	-	002 04 00
19.—To a poor man and to a pyper	- -	000 08 00
20.—For a paire of chamber gloves to his grace		000 14 00
For 2 vneces of fine sealling waxe	- -	000 12 00
Dinner be bill for broth and whittines	-	000 12 00
For beef and cabbage	- -	001 04 00
For a shouldour of muttone with caperis and oysteris		001 10 00
For 2 pulletis	- - -	001 10 00
For a muirfoul and patridge	- -	002 08 00
For pears and nutts	- - -	000 04 00
For a chopine of sak	- -	001 00 00
For aill and bread at dinner to the company and to ser- vandis	- - -	000 15 00
For sugare and aill in the morneing afternoon and at night		000 11 04
21.—To the provest of Edinburghes nurse at Abbotishall		002 18 00
24.—For beeff at Dundie tua carkasses	-	034 00 00
30.—To my Lady to give Mr James Grahame Williame Sharpis regent	- - -	023 04 00
For 2 clubs and 2 ballis to Williame Sharpe	-	001 04 00
Nov. 2.—To ane of the servant woman for hir fie and shoes		006 00 00
7.—For 3 turkie foullis at 2 ð 13 s the peice inde	-	007 19 00
13.—To George Andersone for his fie this half yeire		033 06 00

For a great carkase of beiff frome Dundie	-	026 13 00
For 2 Kye at 11 lib the peice	-	022 00 00
For a deason of neatis tongus	-	003 00 00
For quheat bread furnished to the hous since Feb. last and flowre	-	052 06 00
14.—To his grace going to church on Tuysday		000 12 00
16.—To his grace goeing to church on Thursday		000 12 00
For two goff ballis to Williame Sharpe	-	000 08 00
19.—To his grace being Sabboth	-	001 09 00
20.—To Walter Simon footman for his fie this half yeire past	-	020 00 00
21.—To Andrew Mylne Cook for his fie last half yeire		024 00 00
To John Bruce in pairt of his fie to ane accompt 12 doll.		034 00 00
27.—For Pagettis Heresiography	-	002 00 00
Dec. 8.—To his grace in a paper to give the Hebrean 10 doll.	-	029 00 00
To Balbedies man that brought fruit	-	000 12 00
11.—For 3 stane of Spanishe ressins at 7 lib 10 s the stane is	-	022 10 00
For half stane of currantis at 13 s 4 d the lib	-	005 06 00
12.—For a paire of shoes to the footman	-	001 16 00
15.—For dinner at Leith to many company by bill with my Lord Kellie	-	009 13 00
24.—To his grace being Sabboth	-	001 09 00
Christmas.—To his grace going to Sermon	-	001 09 00
Mair to his grace in small money and turners	-	001 09 00
2.—To my Newarkis man that brought fourtie brace		001 04 00
To my Lord Bischop of Dunkeldis man with muirfoullis		001 09 00
To poore in the toune conforme to list at his graces direction		020 01 00

CHARGE OF THE HOUS AT EDINBURGH FROM JUNI 12.

For a mutchskin of claret vyne at night and before	000 08 00
13.—For aile in the morning	000 03 00
Dinner for quhittines	000 12 00
For boyld beiff	001 04 00
For a giget of muttoun	001 00 00
For a quarter of lambe	000 15 00
For a mutchskine of sack	000 10 00
15.—For a load of coals	000 09 00
16.—For aile and sugare in the morneing and aile at night	000 11 00
For resines and almonds at night	000 10 00
19.—Boord vagis to Ralphe since Monunday the 12 being 7 dayis	004 04 00
Mair to George Andersone for foure dayis of this veek that his grace dynned abroad at 12 s̄ per diem	002 08 00
To the footman also 4 dayis	001 04 00
20.—For rifertis and salt	000 05 00
For seek possit sugare and milk	000 13 00
24.—For brown bread and oat bread to the servands	000 12 00
For aile at dinner and when his grace went to bed	000 03 06
27.—For aile this day	000 08 00
For whey and sugare in the morneing	000 03 00
Dinner for a pottage	005 08 00
For 2 greene geise	003 06 00
For Venusone py	005 08 00
For 2 sole fluicks	002 08 00
29.—For aile and neipis in the morneing and at dinner	000 07 00
July 1.—For 3 cheekines	001 04 00
For 3 poutis	001 16 00

7.—For a mutchskine of Ranishe vyne and aill at night	000 13 00
8.—For wormewood aill and other aill in the morneing	000 03 00
To the watter wyff that furnished watter to the hous	000 06 08
19.—For a great loaff - - -	000 06 00
For aill all this day and for sugare to strawberries	000 12 00
For a foul of broath - - -	001 10 00
For a piece of beiff and turneipis -	001 08 00
For a shouldiou of muttoun and capers -	001 04 00
For 2 rabbittis - - -	001 00 00
For 2 muirfoullis - - -	001 10 00
For 3 poutis - - - -	002 05 00
For a dishe of peese - - -	001 10 00
For a dishe of creame strawberries and sugare -	001 16 00
For sex rollis to dinner and a mutchskin of seck	000 16 00
For neipis tobaco and pypis - -	000 04 00
Aug. 6.—For aill this day and quhey and sugare	000 12 06
Supper 2 neatis tongus - - -	001 10 00
For 3 cheekines - - -	000 16 00
For hartichows and sallad - - -	000 16 00
For a mutchskine of seck - - -	000 10 00
For a leg of muttoun and caperis - -	001 14 00
9.—For a solen goose - - -	001 04 00
For aill neipis and gooseberries at dinner -	000 18 00
Nov. 26.—Boord wagis of the servantis being Sunday	002 08 00
28.—For wormewood aill in the morning and other aill at night - - - -	000 06 00
For 2 glasses to serve at the table -	000 16 00
Dinner for a foull of broath - -	001 00 00
For a shouldiou of muttoun and oysteris -	001 04 00
For a goose - - -	001 10 00
For a paire of rabbittis - - -	001 10 00

For 2 muirfoullis	-	-	-	002 08 00
For a deassone of larkis and a mutchskine of sek				001 02 00
For ane vnce of sugare	-	-	-	000 02 00
For best aill at dinner	-	-	-	000 06 00
30.—For a vyld duck and tuo pliveris				002 08 00
Dec. 1.—For a pigeon py	-	-	-	003 00 00
7.—For a mutchskine of Canarie in the morneing				000 14 00

The hail preceeding accompt in the severall pagis being sowmed and calculate alsweill in grose by the foottis of the pagis as by the extent made of the wholl reduced to the respectiue headis, extends in the hail from Marche 2 to the last of Dec. 1665 inclusive to the soume of

The charge of dyet and table at Edinburgh found in the end of the book extends to	-	-	-	3449 04 02
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Suma of the hail exoneratioun and dischairgis amounts to	3866 18 08
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The chaarge in the first leaff of this book comes to	3867 02 02
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So that the charge exceeds the dischairge in	-	000 03 06
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ACCOMPT OF MONEYES RESAIUED BE MR GEORGE MARTINE FOR MY LORD ARCHBISHOP OF ST ANDROIS HIS GRACES VSE FROME JANUAR FIRST 1666 TILL END.

Resaiued from Thomas Glover for his years rent 906 iib 13 d quhairof 666 : 13 : 4 sealed vp in a bag given to his grace—inde to be chaarged on the other tuo merkis given to Mr Scharpis Apryll 5th

Restand by the Compter at the fitting of his last accomptis conform to his other book	-	-	000 03 06
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Jan'y. 8.—Received from his grace in order to the Journey to Falkland when his grace was godfather 20 dollors inde (This returned back to my Lord and not to be compted for).

15.—Frome Thomas Glover for the Laird of Aytouns compositione of Burneturk	-	-	150	00	00
18.—Mair frome him which at his first entrie he received from Alexander Forrester for which gave a ticket			266	13	04
Frome John Pattone to ane accompt and in pairt of payment of the bygane few deuties of the parroche of Muckart			082	16	00
Feb. 13.—Received frome Johne Robertson being pairt of his intromissione with your gracis rentis be South Forth			336	00	00
Feb. 28.—Frome Johne Robertsons	-		144	00	00
Mar. 6.—Mair frome him	-	-	503	00	00
30.—Frome Thomas Glover in St Androis	-		429	00	00
31.—Frome Doctor Moir for his compositione at his entrie to the Kirktoone of Dyce	-	-	133	06	08
Apryll 3.—Frome James Watsons towne clerk of St Androis to ane accompt of the few and 5 merkis on the Prior akeris	-	-	333	06	08
Mair frome Thomas Glover the same day	-		153	06	08
25.—Frome Alexander Cunynghame as Rimornies compositione for his tak of tithes	-	-	200	00	00
26.—Frome the Comissar of St Androis of Quot money			635	16	08
27.—Frome Mr Jolly when he borrowed of your grace vpon tuo severalle nots now retereid	-		107	00	00

3804 09 06

ACCOMPT OF MONEYES GIVEN TO HIS GRACE SINCE 1 JANUAR 1666.

Feb. 9.—To your grace on Sabboth at St Androis	001 09 00
To your grace at Edinburgh comeing doune to Leith in small money and turneris	003 14 00
15.—To your grace goeing to church on thursday	000 12 00
To your grace the day Johne Sharpe was christened in small money and turneris	004 07 00
Mar. 18.—To your grace at Agnes Sharpis buriall 10 dollars	029 00 00
Apryl 12.—To your graces going to sermon on Good Fryday	001 09 00
To your grace goeing to sermon on Easter day	001 09 00
20.—To the medwyff	002 18 00
May.—To your grace in a paper given to my Lady	100 00 00

ACCOMPT OF MONEYES DEBURSED AT HIS GRACES DIRECTIONE TO BARBERIS POORE AND OTHERS.

Januar 1.—To Williame Sharpe to give in hansell at Col- ledge tuo half crownis inde	003 00 00
To the drummer and pyper at St Androis 2 dollors inde	005 16 00
To a poor distressed gentleman at the loudging	000 12 00
4.—To Williame Sharpe to give a contribution in the col- ledge	001 04 00
6.—To a barber	000 18 00
10.—To my Lady Athollis medvyff 8 dollors inde	023 04 00
To hir Ladyships nurs 5 dollors	014 00 00
To the Porter	041 00 00
To a hieland piper	001 09 00
To the poore ther	000 06 00

11.—To the Mr of Eliot man with hony aquavitie	001 16 00
12.—To my Lord Athollis man with vyld foull and haire	002 08 00
For carieing up of tuo puncheons of vyne from Anstruther	004 00 00
To a poore man with many children	000 06 00
To Maior Hayes at my Ladies directiōe	002 18 00
For a quarters board of Margaret Sharpe	010 00 00
17.—To the poore at the Abbay	000 03 04
To the drumers of the toune of Edinburgh	002 18 00
To the Trumpeteris of the toune of Edinburgh	002 18 00
Drink money for 2 half barrell of herring sent to your grace frome my Lord Argyll and carrieing to the loudging	003 04 00
31.—To a poore gentlewoman given by your grace	002 18 00
Feb. 3.—To poore these foure dayis	000 09 00
15.—To the Clerk of the sessione at givinge vp John Sharpis name	008 14 00
To the poore 2 dollors	005 16 00
To Williame Sharp for contribution for furnishing coalis in there schoole	000 18 00
21.—To the violers in the Abbay	002 18 00
Mar. 2.—To Edward Cleevland pleasant	002 18 00
15.—To the men that helped Ralph at the breakeing of the coach at Kincaple and for aill to thame and for helping to bring in the hors	001 04 00
To the tuo Meassones that cam frome Dundie to vait on your grace at Scottiseraig 4 dollors	011 12 00
19.—To the Laird of Kirknes man that brought troutis and pykis 1 dollar $\frac{1}{2}$	004 07 00
To the Laird of Nydies man that brought troutis	000 12 00
20.—To Baillie Weymes woman that brought a ham	000 06 00
To my Lord Athollis servant that brought muirfoulis	001 10 00

To George Nairne for bowelling A. S. and for a shear cloth 15 dollors	-	-	-	043	10	00
Mair to Andrew Sword for the same vse 3 dollors				008	14	00
To be distribut among the poore the day of the buriall				011	12	00
To the servantis about the kirk 2 dollors			-	005	16	00
For the mortcloath 1 dollor			-	002	18	00
To the persones that carried the silver staffis 3 dollors				008	14	00
To the poore box in the sessione			-	066	13	04
22.—To my Lord Commissioners violers 4 dollors				011	12	00
To my Lord Commissioners Trumpeter 4 doll.			-	011	12	00
Mair to the Coupar baxter for bakeing of pasties				011	12	00
To Harie Swane for his panes and service 3 doll.			-	008	14	00
23.—At the Laird of Sandfurdís hous 1 doll.			-	002	18	00
To the hous of the Ellie 5 doll.			-	014	10	00
29.—To my Ladie Newark's nurse 5 doll.			-	014	10	00
To the poore at Newarke			-	000	12	00

ACCOMPT OF MONEYES DIBURSED FOR NECESSARS.

For a chopen of cynamon watter sent to St Androis				004	16	00
For Ovids Workis in on volume			-	003	00	00
For Buchannons Nomenclature to William Sharpe				000	06	00
For a book to wryte the Inventare of the wrytis of Scots- craig			-	001	14	00
For 2 ellis $\frac{1}{2}$ of holland hair stuff for a coat to William Sharpe at 4 ñib 10 ñ the ell is			-	011	05	00
For a hatt to your grace and another to William Sharpe				036	00	00
For a pair of new shoes to your grace and in drink money				003	06	00
For Buxtorf's Hebrew Grammar	}			001	08	00
For ane Hebrew Psalme Book						
The accompt of the sweet meatis carried over to St Androis in Feb. last extends to the soum of			-	047	16	00

To a hood to my Ladie and a sword belt to Williame
Sharpe - - - - 005 08 00

The Discharge of moneyes payed be me Mr George Martine in name
and for the use and by ordour from my Lord St Androies, consists of
money payed from the first of January 1666 to the 3d of May 1666 in-
clusive.

Of money given to his Grace	-	-	1230 10 10
For the Hous	-	-	0541 07 10
Of money payed by ordour	-	-	0753 11 08
For expenses in Journey	-	-	0174 10 04
For Coatch and horses	-	-	0249 08 08
For servant fies	-	-	0089 08 00
For necessars	-	-	0356 12 00
For dyet at Edinburgh	-	-	0408 19 08
			<hr/>
In all	-	-	3804 09 06

ACCOMPT OF YOUR GRACIS JOURNEY CHAIRGIS FROME EDINBURGH TO
LONDON BEGINNING THE THIRD DAY OF MAY 1666 IN THE AFTERNONE
ALL FORMER ACCOMPTIS BEING FITTED THEN.

May 3. Edinburgh.—To your graces going out to Brun- stone 1 dollour	-	-	002 18 00
Given in earnest at hyring the horsse and spent			000 12 00
For corne and hay to the black horse and bilder			001 08 00
For foure new shoes to the bilder	-	-	001 00 00
For a quarter of pound of sugar plums to your grace			001 16 00
4. Gingilkirk.—To the poore	-	-	000 12 00
Lauderfort.—To the Houskeeper	-	-	001 10 00
To the Gardiner	-	-	000 12 00

5. Kelso.—To the poore ther	-	-	000 12 00
Ouller.—For dinner in meat	-	-	003 12 00
For sek and beir	-	-	002 02 00
To your grace to give the Kelso guyde	-	-	003 00 00
6. Morpeth.—To the collectione at the church			003 00 00
For dyet on Saturday and Sabboth be bill	-	-	019 00 00
For a horse to Newcastle with a lettre frome York			002 00 00
Newcastill.—For sugare plums for your grace $\frac{1}{2}$ pound			002 14 00
To the Newcastill guyde	-	-	000 06 00
Chester.—For dinner in mutton bread a pye &c.	-	-	002 14 00
To your grace to give the poore in usuall money			000 19 04
Ferriehil.—For beir bread milk and sugare	-	-	002 06 00
7.—Darnton. (Darlington.)—For supper	-	-	003 12 00
Northallertoun.—For beir aile bread &c.	-	-	001 16 00
To the poor ther	-	-	002 00 00
Browbridge. (Boroughbridge.)—For dinner in vyne beire			
meat &c.	-	-	008 00 00
8.—Wedderbie.—For supper breakfast wyne beir &c.			009 18 00
9.—Ferriebridg.—For supper and breakfast in the post hous			004 06 00
Pontefract castill.—For 4 horsse hither, guyd groat, and			
to the guyd	-	-	002 00 00
For denner and for limon and oranges	-	-	003 14 00
To the man that went to the castell	-	-	000 12 00
To Williame Wilsons hyrer in pairt of his hyre	-	-	052 00 00
For supper and breakfast at the coatchous	-	-	008 16 00
For 4 places in the coatch at 24 li ^s the peice inde	-	-	096 00 00
To the poore ther, at Robin Hoods well, and twyce by the			
way	-	-	000 16 00
10.—Duncaster—For aill and to the drawer	-	-	000 14 00
Batrie.—For supper be bill	-	-	006 12 00
Carlton.—For dinner be bill and to the drawer	-	-	003 12 00

Newark.—For beir and to the drawer	-	000 10 00
Granthame.—For beir wyne bread and to the drawer		001 02 00
Stamfoord.—For dyet on Satturday, Sabboth and Monen-		
day morneing be bill	- - -	032 16 00
To your Grace for a collection in the churche	-	003 00 00
Stiltoun.—To the keeper of the gate for the coach passing		000 06 00
Skinburrie.—For dinner be bill	- - -	004 00 00
Bagilsworts.—For supper be bill	-	011 12 00
Wallem.—For denner be bill and to the drawer	-	006 15 00
Barnet.—For Beire	- - -	000 12 00
To the Lord Lauderdaills porter	- - -	001 10 00
London.—For beir at Holburne	-	000 14 00

ACCOMPT OF YOUR LORDSHIPS CHAIRGIS AT LONDON FOR DYET, FYRE,
LUDGEINO &c. SINCE MAY 15.

May 15.—For 2 pound of Candels and three rollis at supper		000 15 00
16.—A pound of butture	- - -	000 08 00
For a pullet and for dresing	- - -	001 18 00
18.—For a leg of lamb and dresing	-	001 14 00
For a dishe of markrellis	- - -	001 04 00
19.—For 2 greene gees	- - -	004 10 00
For 4 tame pigeons	- - -	000 06 00
21.—For 2 duckis and dresing and sauce	-	001 18 00
22.—For a loyne of veal and dresing	- - -	002 06 00
For sallad and buttur for the veall	-	000 08 00
For creame chees	- - -	000 08 00
25.—For tobacco and pypes after denner and at night with my Lord Lauderdaille	- - -	000 05 00
28.—For whye in the morneing and a bottill of aill	-	000 07 00
29.—For strawberries and cherries	-	001 02 00

For asovergus, (asparagus) a limon and gooseberries for the meat	-	-	-	001 14 00
For sugare parslie cream and a sallad	-	-	-	001 05 00
For 3 peckis of peese	-	-	-	002 02 00
For a leg of muttoun and for dresing	-	-	-	002 06 00
For 2 greene geese and dresing	-	-	-	003 14 00
For four rabbettis and dresing	-	-	-	002 18 00
For thrie cheekines and dresing	-	-	-	002 16 00
For a dishe of barley broath and beiff	-	-	-	002 02 00
For dresing the peese and asparagus	-	-	-	000 08 00
For a loaf	-	-	-	000 09 00
For oranges	-	-	-	000 18 00
For 9 quartis of aill and table beir in the morning and at dinner	-	-	-	001 05 00
For 3 quartis of claret wyne at dinner	-	-	-	001 10 00
For a quart of High Countrey wyne	-	-	-	000 12 00
For 2 bottillis of aill and a pynt of wyne at night	-	-	-	000 12 00
June 18.—For whey aill and dishe of buttur in the morning	-	-	-	000 18 00
For a leg of muttoun	-	-	-	001 14 00
For a paire of checkines	-	-	-	001 04 00
For hartichokis and 2 quartis of beans	-	-	-	000 18 00
For cherries and strawberries	-	-	-	000 09 00
For a quarter of lambe	-	-	-	002 04 00
For cherrie seck and claret	-	-	-	001 02 00
19.—For a great peice of beiff to poulder	-	-	-	003 04 00
21.—For two turkie checkines	-	-	-	002 08 00
27.—For green fishe and soals and for dresing and for egges	-	-	-	002 06 00
July 10.—For Lambeth aill and beir at dinner	-	-	-	000 14 00

ACCOMPT OF YOUR GRACIS CHAIRGIS AT LONDON IN COACHIS, DRINK MONEY, BARBERS, LODGEINO, WATER, BOOKIS AND OTHER NECESSARIS AND OF MONEY GIVEN OUT AT YOUR GRACIS DIRECTION SINCE MAY 15.

May 15.—For a coach frome Holburne to King streit	001 04 00
16.—To my Lord Lauderdaills footman	- 000 12 00
To a porter going to Whithall	- - 000 12 00
17.—For oares to and frome Lambeth	- - 001 10 00
To my Lady Castlemaines porter	- - 000 12 00
For a coach to my Lord Dumfreis	- - 000 12 00
18.—For a paire of Cordevan gloves	- - 001 16 00
For a coach to and frome my Lord Middleton's	- - 001 04 00
For a coach to General Duellis (Dalzell's) Lord D. Mun-	
mouth and waiting	- - - 001 04 00
To the Archdean 10 fib st.	- - - 120 00 00
20.—For a barber	- - - 000 18 00
21.—For a coach to and frome Westminster Abbay	001 04 00
For earnest of the stamped leather hangings	- 003 00 00
22.—To a gardiner man at St Jameses	- 000 12 00
To your grace to give a Scottis gentleman in dineing rowme	003 00 00
For a coach to Suffolk Street and to St Jameses	- 001 04 00
25.—To Mr Smyth Lord Canterburrie Secretarie 10 fib	
sterling	- - - 120 00 00
For a bonfyre on the 29 May 3 dezene of faggotis	002 14 00
30.—For a gazet and a bill of mortallitie	- 000 02 00
31.—For Articles of peace betuixt Gayland and Gover-	
nour of Tangier	- - - 000 02 00
For lodgeing maill frome Majj 15 that your grace came	
to Londone till Majj 29 being tuo weekis at 18s ster.	
in the week	- - - 021 12 00

June 4.—For a coach to Suffolk buildings St Jameses and home	-	-	-	001 10 00
To my Lord Lauderdaills gardiner in Haygate	-			001 10 00
8.—To your grace to give Lady Curriour	-			036 00 00
13.—For oares to and frome Lambeth with my Lord Atholl and Stormont	-	-	-	001 16 00
For a Gazet to the current intelligence	-			000 02 00
21.—For a coach to Lord Middletons, the cabinet makeris, Lady Newburghis and home and for a narrative of the sea fight	-	-	-	001 16 00
For eight of great Lumbard paper	-			000 08 00
23.—To the Archdeane at your graces directione	-			180 00 00
28.—For mending my Ladies watch	-			001 16 00
For 6 yardis and a $\frac{1}{2}$ of podesway at 7 ĩb 10 s̄ the ell				048 05 00
For 14 yardis of black wattered moyhaire stuff at 3 ĩb 6 s̄				046 04 00
For six yardis of strip silk stuff at 3 ĩb 18 s̄ the ell				015 08 00
For 11 yardis and $\frac{1}{2}$ of boday serge at 3 ĩb 6 s̄ the ell				015 11 00
For sex paire of quhit glovis to my Ladie	-			007 04 00
For sex paire of Frenche glovis	-	-		009 00 00
For tuo bird eyes hoodis	-	-	-	003 12 00
For a scarff and tuo other hoodis	-			009 00 00
For a paire of mounted gloves with ribbanes and knotis suitable	-	-	-	015 12 00
For a quhit hood	-	-	-	002 14 00
For tuo fanes and tuo rollis	-	-		006 00 00
For a silver needle to my Lady	-			001 16 00
For 2 ell and $\frac{1}{2}$ of skarlet at 19 ĩb 16 s̄ to be my Ladies petticoat	-	-	-	047 00 06
For 5 yardis $\frac{1}{2}$ of flannen for a petticoat to my Ladie at 1 ĩb 11 s̄	-	-	-	009 00 00
For another greene tailed night cap	-			002 14 00

For tuo quhit tuilled capis at night	-	-	003 06 00
For a paire of sweet gloves to your grace	-	-	001 04 00
For 2 paire of threid stockines at 2 ħib 8 s̄ the paire	-	-	004 06 00
For 2 hattis on to your grace and one to Williame Sharpe			
4 ħib 10 s̄ ster.	-	-	054 00 06
July 1.—To your grace goeing to St Martines church			
5 half crownes 5 s̄	-	-	010 10 00
To Sir Johne Aytoun man that brought venusone			001 04 00
3.—To oares to and from Lambeth tuyse this day	-	-	002 08 00
5.—For a packet of lettres to Scotland	-	-	000 18 00
6.—Foure fyne timber combis and 2 horne combis with caices			006 06 00
July 7.—To Madam Currou to give in earnest of the pictur			012 00 00
9.—For 12 ellis of ferret ribbanes at 4 s̄ the ell is	-	-	002 08 00
11.—To a coach to and frone Ladie Ardros on Saturday			
night	-	-	001 04 00
For ane accompt of bookis from Mr Crookis conforme to			
his not	-	-	011 04 00
For 3 ellis of taffitie half breid for a scarfe	-	-	010 16 00
For 7 quares of cutt paper at 5 s̄ the quare	-	-	001 18 00
For 2 quares of large gilt paper at 10 s̄ the quare	-	-	001 00 00
For 3 quares of Venice paper at 8 s̄ the quare	-	-	001 04 00
16.—To my Lady Currou for my Lady Kent powder			054 00 00
Mair for hir ane mask lymon and harthorne to the powder			003 18 00
For a pair of black stockings to your grace	-	-	004 16 00
For a paire of knyves	-	-	004 16 00
For 2 pocket Bibillis	-	-	007 00 00
For a seare cloth for your gracis issue	-	-	000 09 00
17.—To a jeweller for mounting the Kingis picture			120 00 00
For a coach to Highgate with 4 horses	-	-	007 04 00
For a coach to Whythall	-	-	000 18 00
For 5 weekis lodging at 12 ħib per week	-	-	060 00 00

For the Historie of Alegris and Leighs Observes	-	003	06	00
To my Lady Curroure for the picture 8 ĩib inde		030	00	00
Mair to himself 50 ĩ inde	-	030	00	00
Payed for 5 ĩib of fringes at 1 ĩib 2 ĩ the vnce	-	088	00	00
To your grace to give the vpholsterer in Convent Garden		006	00	00
To Mr Burnet for a girdell	-	010	16	00
To Mr Jolly for 2 paire of spurris	-	004	16	00
To Johne Kirkwood for a coatch 5 ĩib 10 ĩ	-	066	00	00
Mair to himself at your graces ordour	-	018	00	00
To the hous at your graces way comeing and for ane account of gilt paper	-	006	10	00
For the horse eight dayis at 16 ĩ the night	-	006	08	00
For making of 9 bandis at 4 ĩ the peice and 7 paire of cuffis		002	10	00

EDINBURGH 4 AUGUST.—SUMMA OF THE HAILL FOREGOING ACCOUNT.

The Chairge	-	3960	00	00
<hr/>				
The Dischairg—				
For Journey vp to London	-	0428	06	06
For dyet, candil &c. at London	-	0483	13	00
For al necessaries bought, money given out &c.		2389	03	00
<hr/>				
Summa of your Graces haill expenses frome the 4 of May till July 30, is	-	3829	10	06
<hr/>				
Sua the accompter owes to ballance	-	0130	09	06

APPENDIX.

APPENDIX.

NOTE REGARDING THE LETTERS OF HENRY II.

HAVING, at the request of Mr Macdonald, arranged for the press the Letters of Henry II. and the Letters to the Lairds of Barnbarroch, which are contained in Vol. I. Part II. of this MISCELLANY, I think it right to lay before the readers the following Letter. The distinguished writer has for some time past been preparing for publication a Collection of the Letters of Queen Mary of Scotland, and in order to render it as complete as possible, has been in correspondence with Mr Macdonald. It is much to be desired that this spirited undertaking may induce such individuals as have access to unpublished letters of that Queen, to communicate them to the Prince of Labanoff through Mr Macdonald, or through the Prince's bankers, Messrs. Coutts & Co. London.

HEIDELBERG, LE 2 JUILLET 1839.

MONSIEUR,

Ayant reçu de M. Theulet les differens recueils que vous lui aviez donné, j'en ai profité pour augmenter ma Collection de Lettres de Marie Stuart, et je m'empresse de vous prier d'agréer mes remercimens pour votre complaisance. Je me permettrai aussi de vous signaler les differences qui existent

entre les dates que portent quelques unes de ces pièces et leur époque véritable ; toutes celles indiquées plus loin sont *d'une année plus tard* qu'elles ne paroissent, la nouvelle année n'étant comptée alors que du Samedi Saint. Ainsi dans le recueil des lettres adressées aux Lairds de Barnbarroch ; celle qui est No. 3, page 10, est de l'année 1560, et non 1559 ; le titre même de *Francorum Rex* le prouve bien, puisque François II. n'est monté sur le trône de France que le 10 Juillet 1559 ; d'ailleurs en 1560, Paques ayant été le 14 Avril, tous les actes signés depuis le 1 Janvier 1560 jusqu'à ce jour devaient être daté alors de 1559. Il en est de même des Lettres Nos. 1, 5, 6, et 7, écrites par Henri II. à la mère de Marie Stuart, la dernière en porte aussi la preuve, le roi lui donnant des nouvelles *de notre petite fille la Royne d'Escoce*, et il est positif que ce n'est qu'en Avril 1548 que Marie Stuart débarqua en France.

Mille excuses d'entrer dans tous ces détails que vous connaissez certainement mieux que moi, mais quand on entre en matière sur un sujet qui interesse, alors on se laisse entrainer sans le savoir.

Je suis bien charmé que cette occasion m'aie procuré l'avantage d'entrer en correspondance avec vous. Vieillez en agréer l'assurance, ainsi que celle de ma consideration bien distinguée.

LE PRINCE DE LABANOFF.

P. S. M. Theulet m'a dit que l'on imprime les lettres de Marie Stuart aux Comtes d'Argyll ; J'attends cette publication avec beaucoup d'impatience. Messrs. Coutts &^{cie}. 43,

Strand, sont chargés de me faire parvenir les lettres qu'on leur envoie pour moi ; ils savent toujours où je suis.

A Monsieur
 MONSIEUR DE MACDONALD,
 Secrétaire du Maitland Club,
 Ecosse. à Edimbourg.

The difference which has existed at various periods among the nations of Europe, between the historical and the conventional year, is well known as a source of much embarrassment to chronologists. In Scotland the matter is more simple than elsewhere, the legal and conventional commencement of the year having continued to be on the 25th of March, the Feast of the Conception, until the 1st of January was substituted in 1599 by an act of the Privy Council, which has been printed by me in the preface to the Club edition of MOYSE'S MEMOIRS. It is quite unnecessary to point out the varying practice of other countries in this respect, but as the dates which are questioned by the Prince of Labanoff occur in documents written in France, a word or two seem required in regard to the usage which prevailed there. It appears that the rule which had been adopted by the early Christians, of dating the year from Christmas, the anniversary of our Saviour's nativity, was abandoned in France about the eleventh century by the substitution of Easter Eve, or Holy Saturday, at least in the public acts and instruments of the Sovereign. But the practice varied throughout the respective provinces

and dioceses of that country, between Christmas, the Conception, and Easter Eve, until the edict of Roussillon in 1563 established the 1st of January, being the Feast of the Circumcision, as the first day of the year ; a rule which has been successively introduced by most countries in Europe, and which at length has become universal as regards the historical, and general for the legal and conventional year. For farther details on this subject, I refer to "Sir Harris Nicolas's Chronology of History," p. 37, or to "L'Art de verifier les Dates."

It is scarcely necessary to mention, that the dates objected to by Prince Labanoff have been printed correctly from the originals, but as they all occur in Royal letters, the presumption is (notwithstanding the varieties of French provincial usage which then obtained) that they belong to the historical years under which he is disposed to class them ; indeed the facts adduced by him, namely, the arrival of Queen Mary in France in 1548, and the accession of her husband to the throne of France in 1559, prove the correctness of his observations. It follows that the arrival of the Marechal de Termes in Scotland took place about Midsummer 1549, and not in 1548, as erroneously noted in the preface to the Letters of Henry II., p. 210.

I take this opportunity of correcting an error which has occurred at p. 378, line 1, of the present volume, where the date of President Spottiswood's death ought to be in 1646, not 1647.

JAMES DENNISTOUN.

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END OF VOLUME SECOND.

